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ACTS

RELATING TO THE

ASYLUMS, PRISONS,

AND

PUBLIC CHARITIES,

OF

ONTARIO.

COMPILED FROM THE REVISED STATUTES OF 1887.



TORONTO:

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PRISONS AND PUBLIC CHARITIES.

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CHAPTER 238.

An Act respecting the Central Prison.

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation.

1. The word "county," wherever it occurs in this Act, shall include any union of counties for judicial purposes, and every judicial or territorial district now existing or that may be hereafter formed out of any portion of the unorganized territory in this Province. R. S. O. 1877, c. 217, s. 1.

Name of prison.

2. The prison heretofore declared to be the central prison for the Province, shall be called "The Central Prison for the Province of Ontario." R. S. O. 1877, c. 217, s. 2.

Appointment of certain officers.

3. The Lieutenant-Governor may appoint for said central prison, a warden, a surgeon, a schoolmaster, an accountant, a matron, and such other officers and servants as may be necessary, to hold office respectively during pleasure; and may also fix and determine the salary of every such officer and servant. R. S. O. 1877, c. 217, s. 3.

Appointment of Central Prison Bailiffs.

4. The Lieutenant-Governor may also appoint a central prison bailiff or central prison bailiffs, who shall be employed for the purpose of conveying prisoners from any gaol or other place in which they may be in custody, to the central prison, or from the central prison to any other place to which they may be lawfully removed, and in the performance of such other duties as may be assigned to him or them by the inspector of prisons and public charities. R. S. O. 1877, c. 217, s. 4.

Inspector of prisons to be *ex officio* inspector of the Central Prison. Rev. Stat. c. 250.

5. The inspector of prisons and public charities shall, by virtue of his office, be the inspector of the central prison and shall have the same powers in respect thereof as are conferred upon him in respect of the Provincial reformatory by *The Prison and Asylum Inspection Act*. R. S. O. 1877, c. 217, s. 5.

Inspector to make rules, etc.

6. The said inspector shall have power, and it shall be his duty, to make rules and regulations for the management, discipline and police of the said central prison, and for fixing and prescribing the duties and conduct of the warden and every other officer or servant employed therein, and for the diet, clothing, maintenance, employment, classification, instruction, discipline, correction, punishment and reward of persons confined therein, and to annul, alter and amend the same from time to time: but no such rule or regulation shall have any effect until approved of by the Lieutenant-Governor in Council. R. S. O. 1877, c. 217, s. 6.

Record to be kept with view to mitigation of sentence.

7. In order to encourage good behaviour and industry, it shall be lawful for the inspector to make rules so that a correct record of the conduct of every inmate of the prison may be made with a view to permit such criminal to earn a remission of a portion of the term for which he is sentenced to be confined. R. S. O. 1877, c. 217, s. 7.

8. The inspector shall have power summarily to suspend any of the officers or servants of the central prison for misconduct, until the circumstances of the case (of which the Lieutenant-Governor shall be at once notified) have been decided upon by the Lieutenant-Governor, and the inspector may, until such decision has been intimated to him, cause any officers or persons so suspended to be removed beyond the precincts of the prison; and it shall be the duty of the inspector to recommend the removal of any of the above-named officers or servants whom he finds incapable, inefficient or negligent in the execution of his duty, or whose presence in the central prison he deems injurious to the interests thereof; and the pay of every officer or servant so suspended shall cease during the period of such suspension. R. S. O. 1877, c. 217, s. 8.

Power of Inspector over officers of the prison.

9. The inspector may impose a fine, payable in money, upon any officer or servant of the central prison for any act of negligence, carelessness or insubordination by him committed, of reasonable amount, not exceeding one month's pay of the officer or servant, as the inspector may think fit. R. S. O. 1877, c. 217, s. 9.

Power of inspector to impose fines on officers of the prison.

10. The inspector shall have power at all times to enter into the central prison, and have access to every part thereof, and to examine all papers, documents, vouchers, records, books and other things belonging thereto; and to investigate the conduct of any officer or servant employed in or about such central prison, or of any person found within the precincts thereof, and may summon any person before him by order under his hand, and examine such person under oath, touching any matter relating to any breach of the rules of the central prison, or any matter affecting the interests of the institution; and may by the same or like order compel the production of books, papers and writings before him; and any person who neglects or refuses to appear at the time and place specified in the order, having been duly served with a copy thereof, or refuses to give evidence, or to produce the books, papers or writings demanded of him, may be taken into custody by virtue of a warrant under the hand of the inspector, in that behalf, and imprisoned in the common gaol of the locality, as for contempt of Court, for a period not exceeding fourteen days. R. S. O. 1877, c. 217, s. 10. See Cap. 250, s. 11.

Inspection of prison by inspector.

11. It shall also be the duty of the inspector to audit the accounts of the warden of the central prison; to inquire into all money transactions when requisite; to demand and obtain a statement of all cash transactions of the prison every month; and to administer to the warden and accountant an oath or affirmation to the effect following, viz:

Audit by inspector.

"I, _____, Warden, and I, _____, Accountant, of the Central Prison of this Province, make oath (or affirm) and say, that the foregoing statement of revenue and expenditure of the said Central Prison for the month of _____, 18____, is true and correct."

R. S. O. 1877, c. 217, s. 11.

Prisoners to be transferred from common gaol to central prison.

12. All persons from time to time confined in any of the common gaols of the Province, under sentence of imprisonment for any offence against any Act of the Legislature of the Province, may by direction of the Provincial Secretary be transferred from such common gaols respectively to the central prison, there to be imprisoned for the unexpired portion of the term of imprisonment to which any such person was originally sentenced or committed to such common gaols respectively; and such persons shall thereupon be imprisoned in the central prison for the residue of the said respective terms, and shall be subject to all the rules and regulations of the central prison. R. S. O. 1877, c. 217, s. 12. *See* R. S. C. c. 183, s. 20.

Imprisonment in central prison on conviction by Justices.

13. Every person convicted before one or more Justice or Justices of the Peace, or by a Police Magistrate, of any offence cognizable by such Justice or Justices, or Police Magistrate, and for which punishment by imprisonment in the common gaol may be awarded, for any period not less than fourteen days, and committed to a common gaol under such conviction, may be removed and transferred by order of the Provincial Secretary from the common gaol to the central prison, and there imprisoned for the unexpired portion of his sentence in the central prison instead of the common gaol of the county. R. S. O. 1877, c. 217, s. 13.

Convicts may be sentenced to central prison instead of common gaol.

14. Every Court before which any person is convicted of an offence against any Act of the Legislature of this Province, punishable by imprisonment in the common gaol, may sentence such person to imprisonment in the central prison instead of the common gaol of the county where the offence was committed or was tried. R. S. O. 1877, c. 217, s. 14. *See* R. S. C. c. 183, s. 19.

Operation of ss. 12-14, declared.

15. The next preceding three sections of this Act shall be held to extend to persons convicted of offences created under the authority of an Act of the Legislature of this Province, as well as to persons convicted of offences directly created by the said Legislature, and to any case where imprisonment is imposed in whole or in part, in default of the payment of a fine or penalty in money, notwithstanding the offender is entitled to be discharged upon payment of such fine or penalty; if the fine or penalty is paid after the removal of the offender to the central prison, the same shall be paid to the proper officer of the said prison, to defray the expense of removal, and otherwise for the use of the said prison; but nothing herein contained shall affect the right of any private person to the said fine, or any part thereof. 44 V. c. 32, s. 1.

Detention of offenders until removal to central prison.

16. Any sheriff or other person having the custody of an offender convicted of an offence punishable by virtue of a statute of this Province, for which such offender has been sen-

tenced to imprisonment in the central prison, may detain the offender, or cause him or her to be detained, in the common gaol of the county or district in which such offender is sentenced, or other place of confinement in which the said offender may be, until a provincial bailiff or other person lawfully authorized in that behalf requires the delivery of the said offender for the purpose of being conveyed to the central prison. 44 V. c. 32, s. 2.

17. The Lieutenant-Governor may from time to time, by warrant, signed by the Provincial Secretary, or by such other officer as may be authorized by the Lieutenant-Governor in Council in that behalf, direct the removal, from the central prison to the provincial reformatory, or from the central prison back to the common gaol, or from the said reformatory to the central prison, of any person under sentence of imprisonment for an offence against any Act of the Legislature of this Province. R. S. O. 1877, c. 217, s. 15. *See* R. S. C. c. 183, s. 24.

Transfer of prisoners from Central Prison to reformatory or gaol.

18. The warden of the central prison or reformatory, or the keeper of any common gaol having the custody of any convict or offender ordered to be removed, shall, when required so to do, deliver up the convict or offender, together with a copy, attested by the warden, of the sentence and date of conviction of the convict or offender, as given him on reception of the person into his custody, to the constable or other officer or person who produces the warrant. R. S. O. 1877, c. 217, s. 16.

Wardens and gaolers to deliver up prisoners for removal.

19. The sheriff or deputy-sheriff of any county, or any bailiff, constable or other officer or person, by his direction, or by direction of the Court, or other lawful authority, may convey to the central prison any convict sentenced or liable to be imprisoned therein, and deliver him to the warden or keeper thereof, without any further warrant than a copy of the sentence, taken from the minutes of the Court before which the offender was tried, and certified by a Judge or the clerk or acting clerk of such Court. R. S. O. 1877, c. 217, s. 17.

Conveyance of prisoners to central prison.

20. The warden shall receive into the central prison every offender legally certified to him as sentenced to imprisonment therein, and shall there detain him, subject to all the rules, regulations and discipline thereof, until the time to which he has been sentenced is completed, or until he is otherwise discharged in due course of law. R. S. O. 1877, c. 217, s. 18. *See* R. S. C. c. 183, s. 22.

Warden to receive prisoner and detain him.

21. The sheriff or other officer or person employed by competent authority to convey such offender to the central prison, or to or from the provincial reformatory, penitentiary, or common gaol, as by law provided, may secure and convey

Powers of sheriff, etc., in that behalf.

him through any county or district through which he may have to pass; and until such offender has been delivered to the warden of the central prison, reformatory, or penitentiary, or the keeper of the common gaol, the sheriff, or other officer or person, shall have in every part of this Province through which it may be necessary to convey the offender, the same power and authority over and with regard to the offender, and to command the assistance of any person to prevent his escape, and in recapturing him in case of an escape, as the sheriff of the county in which he was convicted would himself have in conveying him from one part to another of that county. R. S. O. 1877, c. 217, s. 19.

Sheriff, etc.,
to give and
take receipt
for prisoners.

22. The sheriff, or other officer or person, shall give a receipt to the warden or gaoler for the convict or offender, and shall thereupon, with all convenient speed, convey and deliver up such convict or offender with the attested copy into the custody of the warden or gaoler of the central prison, reformatory, or common gaol, mentioned in the warrant, who shall give a receipt in writing for every convict or offender so received into his custody, to the sheriff or other officer or person, as his discharge; and the convict or offender shall be kept in custody in the central prison, reformatory or common gaol to which he has been so removed, until the termination of his sentence, or until his pardon, or release, or discharge by law, unless he is in the meantime again removed under competent authority. R. S. O. 1877, c. 217, s. 20.

Powers and
duty of war-
den.

23. The warden of the central prison shall reside within the prison, and shall be the chief executive officer of the same, under the direction of the inspector, and as such shall have the entire execution, control and management of all its affairs, subject to the rules, regulations and written instructions from time to time duly made by the inspector, and approved by the Lieutenant-Governor in Council, and he shall be held responsible for the faithful and efficient administration of the offices of every department of the institution. R. S. O. 1877, c. 217, s. 21.

To give secu-
rity.

24. The warden, the accountant, and every storekeeper and steward of the central prison shall severally execute to Her Majesty a bond, with sufficient sureties, conditioned for the faithful performance of the duties of their respective offices, according to law, in the respective sums following, that is to say:

Amount.

- | | |
|---|---------|
| 1. The Warden in | \$8,000 |
| With two sureties in (each) | 4,000 |
| 2. The Accountant, Storekeeper and Steward (each) | 4,000 |
| With two sureties (each) in | 2,000 |

Bond to be
filed.

which bond shall be filed in the office of the Provincial Secretary and Registrar. R. S. O. 1877, c. 217, s. 22.

25. The warden and every other officer or servant employed permanently in the central prison shall severally take and subscribe, in a book to be kept for that purpose by the accountant at his office, the oath of allegiance to Her Majesty, and the following oath of office, viz.:

"I (*A. B.*) do promise and swear (*or affirm*), that I will faithfully, Form. diligently and justly serve and perform the office and duties of in the Central Prison of this Province to the best of my ability, and that I will carefully observe and carry out all the regulations of the said Prison: So help me God."

which oath may be administered by the inspector, or in By whom the case of any other of the said officers, by the warden. administered.
R. S. O. 1877, c. 217, s. 23.

26. No inspector, warden or other officer or servant employed in such central prison, shall, either in his own name, or in the name of or in connection with any other person, provide, furnish or supply any materials, goods or provisions, for the use of such central prison; nor shall be concerned, directly or indirectly, in furnishing or supplying the same, or in any contract relating thereto, under pain of forfeiting \$1,000, with full costs of suit, to any person who sues for the same in any Court of competent jurisdiction in this Province, one-half thereof to belong to Her Majesty for the public services of this Province. R. S. O. 1877, c. 217, s. 24.

27. No warden, officer or servant, except the surgeon, shall be allowed to carry on any trade or calling of profit or emolument in such central prison; nor shall any such officer buy from or sell to any convict in the said prison anything whatever; or take or receive to his own use, or for the use of any other person, any fee, gratuity or emolument from any prisoner or visitor or any other person; nor employ any convict in working for him. R. S. O. 1877, c. 217, s. 25.

28. No spirituous or fermented liquors shall, on any pretence whatever, be brought into the central prison for the use of any officer or person in the institution, except the warden, or for the use of any convict confined therein (except under the rules of the institution); and any person other than an officer of the prison, giving any spirituous or fermented liquors, and any person or officer giving any tobacco, snuff, or cigars to any convict (except under the rules of the institution), or conveying the same to any such convict, shall forfeit and pay the sum of \$40 to the warden, to be by him recovered for the use of the prison, in any Court of competent jurisdiction. R. S. O. 1877, c. 217, s. 27. *For penalty in case of officers giving liquor, see Cap. 243, s. 1.*

29. The female convicts or prisoners shall be kept distinct and secluded from the male convicts, and shall be under the charge of the matron. R. S. O. 1877, c. 217, s. 28.

Hard labour and solitary confinement.

30. The said central prison shall be furnished with all requisite means for enforcing the performance of hard labour by the inmates thereof; and solitary confinement shall form part of the discipline thereof. R. S. O. 1877, c. 217, s. 29.

Cells for solitary confinement.

31. The central prison shall contain not less than fifty penal cells for the separate and solitary confinement of such prisoners as are sentenced to solitary confinement, or for enforcing obedience to the rules and discipline of the said prison. R. S. O. 1877, c. 217, s. 30.

Lieut.-Governor may acquire lands.

32. The Lieutenant-Governor may cause to be procured and provided, adjacent to or surrounding the central prison, a tract of land fit for agricultural or mechanical purposes, not exceeding two hundred acres, and may cause the same to be securely enclosed. R. S. O. 1877, c. 217, s. 31.

Employment of prisoners without the precincts of the prison, under certain regulations.

33.—(1) The Lieutenant-Governor by Order in Council, may from time to time authorize, direct or sanction the employment upon any specific work or duty, without or beyond the walls or limits of such central prison, of any of the prisoners confined or sentenced to be imprisoned therein; and all such prisoners shall, during such last mentioned employment, be subject to all the provisions of this Act, and to all the rules, regulations and discipline of the said central prison, so far as the same may be applicable, and to such other regulations for the purpose of preventing escapes and otherwise as may be approved by the Lieutenant-Governor in that behalf.

Under supervision.

(2) No such prisoner or prisoners shall be so employed without the walls or limits of such central prison, except under the strictest care and supervision of officers appointed to that duty. R. S. O. 1877, c. 217, s. 32. See R. S. C. c. 183, s. 23.

Prisoners not to be discharged on a Sunday.

34. Whenever the time of the sentence of any prisoner committed to the central prison for an offence against any Act of the Legislature of Ontario expires on a Sunday, he shall be discharged on the previous Saturday, unless he desires to remain until the following Monday. R. S. O. 1877, c. 217, s. 33. See R. S. C. c. 183, s. 45.

Prisoners labouring under certain diseases not to be discharged until cured.

35. No prisoner shall be discharged from the central prison at the termination of his sentence if then labouring under any contagious or infectious disease, or under any acute or dangerous illness, but he shall be permitted to remain in the prison until he recovers from such disease or illness: and any convict or prisoner remaining from such cause in the central prison shall be under the same discipline and control as if his sentence were still unexpired. R. S. O. 1877, c. 217, s. 34.

Escape, etc., punishable according to the rules of the prison.

36. Any escape, prison breach or attempt to escape by any person confined in or sentenced to the central prison shall be punished as may be provided by the rules and regulations of the prison in that behalf. R. S. O. 1877, c. 217, s. 35.

37. The central prison shall be held to include all the land and real estate procured or acquired under section 32 of this Act; and all buildings and machinery erected or used thereon, and all carriages, waggons, sleighs or other vehicles for land carriage, and all boats, scows and other vessels for water carriage, being the property of such central prison, or employed in its service; and the real property of every such prison, and every other property or description of property belonging thereto, shall be and remain vested in Her Majesty, Her Heirs and Successors; but the warden for the time being shall have the custody and care thereof, under such regulations as may be provided in that behalf; and all such property, real and personal, shall be exempt from taxation for municipal purposes. R. S. O. 1877, c. 217, s. 36.

Property be-
longing to
Central Prison
vested in Her
Majesty, ex-
empt from
taxation.

38. All dealings and transactions on account of the central prison, and all contracts for goods, wares or merchandise, necessary for maintaining and carrying on the said institution, or for the sale of goods prepared or manufactured in such central prison, or for the hire, labour or employment of any of the prisoners, either within or without the limits of the central prison, shall be entered into and carried out in the corporate name of the said inspector on behalf of Her Majesty. R. S. O. 1877, c. 217, s. 37.

Contracts,
how to be
made.

39. All books of account, and other books, bills, registers, returns, receipts, bills of parcels and vouchers, and all other papers and documents of every kind relating to the affairs of the said central prison, shall be considered the property of the prison, and shall remain therein; and the warden of the central prison shall preserve therein at least one copy of all official reports made to the Legislature respecting the same, for which purpose, and for the purpose of enabling him to distribute such official reports in exchange for like documents from other similar institutions abroad, he shall be furnished by the Clerk of the Legislative Assembly, on application, with fifty copies of such reports as printed by the Legislative Assembly. R. S. O. 1877, c. 217, s. 38.

Books of ac-
count, etc., to
remain in the
prison.

Official reports
to be pre-
served, etc.

[See as to fees payable to Sheriffs and Gaol Surgeons for services in connection with offenders sentenced or liable to be removed or sentenced to the Central Prison, Rev. Stat. Cap. 83, ss. 9, 10 and Schedule, p. 838].

For the Dominion Acts relating to the Central Prison, see Revised Statutes of Canada, 1886, Cap. 183, Part II.

CHAPTER 239.

An Act Respecting the Andrew Mercer Ontario Reformatory for Females.

INTERPRETATION, s. 1.	Oaths of office, s. 23.
OBJECT OF REFORMATORY, s. 2.	Interest in contracts, s. 24.
OFFICERS, ss. 3, 4.	Officers not to engage in other business, s. 25.
POWERS AND DUTIES OF INSPECTOR, ss. 5-11.	Spiruous liquors, etc., not to be taken into Reformatory, s. 26.
TRANSFER OF PRISONERS, ss. 12-18.	HARD LABOUR, s. 27.
Transfer from Reformatory to Gaol, s. 15.	EXTENT OF REFORMATORY, s. 28.
Powers and duties of officer in charge, ss. 19, 20.	CONTRACTS TO BE MADE BY INSPECTOR, s. 29.
GOVERNMENT OF REFORMATORY :	DISCHARGE OF PRISONERS, ss. 30, 31.
The Superintendent, s. 21.	BOOKS TO BE PROPERTY OF REFORMATORY, s. 32.
Accountant to give security, s. 22.	

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpreta-
tion.

1. The word “county,” wherever it occurs in this Act, shall include a union of counties for judicial purposes, and every judicial or territorial division or district now existing or which may be hereafter formed out of any portion of the unorganized territory in this Province. 42 V. c. 38, s. 1.

Object of Re-
formatory.

2. The Andrew Mercer Ontario Reformatory for females shall be for the reception, confinement and employment, of such female offenders as are hereinafter mentioned. 42 V. c. 38, s. 2.

Appointment
of certain
officers.

3. The Lieutenant-Governor may from time to time appoint for the said reformatory, a female superintendent, an accountant, a surgeon, a school mistress, and such other officers and servants as may be necessary. 42 V. c. 38, s. 3.

Appointment
of other
officers.

4. The Lieutenant-Governor may also appoint an officer or officers, who shall be employed for the purpose of conveying prisoners from any gaol or other place in which they may be in custody, to the reformatory, or from the reformatory to any other place to which they may be lawfully removed, and in the performance of such other duties as may be assigned to such officer or officers by the inspector of prisons and public charities. 42 V. c. 38, s. 4.

5. The inspector of prisons and public charities shall, by ^{Inspector.} virtue of his office, be the inspector of the reformatory.
42 V. c. 38, s. 5.

6. The said inspector shall have power, and it shall be his ^{Inspector to} duty, to make rules and regulations for the management, ^{make rules,} discipline and police of the reformatory, and for fixing and ^{etc.} prescribing the duties and conduct of the superintendent and every other officer or servant employed therein, and for the diet, clothing, maintenance, employment, classification, instruction, discipline, correction, punishment, and reward of persons confined therein, and to annul, alter, and amend the same from time to time: but no such rule or regulation shall have any effect until and unless it is first approved of by the Lieutenant Governor in Council. 42 V. c. 38, s. 6.

7. In order to encourage good behaviour and industry, it shall be lawful for the inspector to make rules so that a ^{Encourage-} correct record of the conduct of every inmate of the prison may ^{ment of good} be made, with a view to permit each offender to earn a remis- ^{behaviour.} sion of a portion of the term for which she is sentenced to be confined. 42 V. c. 38, s. 7.

8. The inspector shall have power summarily to suspend ^{Powers of} any of the officers or servants of the reformatory for mis- ^{Inspector over} conduct, until the circumstances of the case (of which the ^{officers.} Lieutenant-Governor shall be at once notified) have been decided upon by the Lieutenant-Governor, and the inspector may, until such decision has been intimated to him, cause any officers or persons so suspended to be removed beyond the precincts of the reformatory; and it shall be the duty of the inspector to recommend the removal of any of the above-named officers or servants whom he finds incapable, inefficient, or negligent in the execution of his duty, or whose presence in the reformatory he may deem injurious to the interests thereof; and the pay of every officer or servant so suspended shall cease during the period of such suspension. 42 V. c. 38, s. 8.

9. The inspector may impose a fine, payable in money, upon ^{Power of} any officer or servant of the reformatory for any act of negli- ^{Inspector to} gence, carelessness, or insubordination committed by such ^{impose fines.} officer or servant, of reasonable amount, not exceeding one month's pay of the officer or servant, as the inspector may think fit. 42 V. c. 38, s. 9.

10. The inspector shall have power at all times to enter into ^{Inspection of} the reformatory, and have access to every part thereof, and ^{Reformatory.} to examine all papers, documents, vouchers, records, books, and other things belonging thereto; and to investigate the conduct of any officer or servant employed in or about the reformatory, or of any person found within the precincts thereof, and may summon any person before him by order under his hand,

and examine such person under oath, touching any matter relating to any breach of the rules of the reformatory, or any matter affecting the interests of the institution; and may, by the same or like order, compel the production of books, papers, and writings before him; and any person who neglects or refuses to appear at the time and place specified in the order, having been duly served with a copy thereof, or refuses to give evidence, or to produce the books, papers, or writings demanded of him, may be taken into custody by virtue of a warrant under the hand of the inspector, in that behalf, and imprisoned in the common gaol of the locality, as for contempt of Court, for a period not exceeding fourteen days. 42 V. c. 38, s. 10.

Audit by
Inspector.

11. It shall also be the duty of the inspector to audit the accounts of the accountant of the reformatory; to inquire into all money transactions when requisite; to demand and obtain a statement of all cash transactions of the prison every month; and to administer to the accountant an oath or affirmation to the effect following, viz.:

Oath of Accountant.

"I, _____, Accountant of the Andrew Mercer Ontario Reformatory for Females, make oath (or affirm) and say, that the foregoing statement of revenue and expenditure of the said Reformatory for the month of _____, 18____, is true and correct."

42 V. c. 38, s. 11.

Transfer from
Gaol to
Reformatory.

12. All females confined from time to time in any of the common gaols of the Province, under sentence of imprisonment for any offence against any Act of the Legislature of the Province, may by direction of the Provincial Secretary be transferred from such common gaols respectively to the said reformatory, to be imprisoned for the unexpired portion of the term of imprisonment to which any such female was originally sentenced or committed to such common gaols respectively; and such females shall thereupon be imprisoned in the reformatory aforesaid, for the residue of the said respective terms, and shall be subject to all the rules and regulations of the reformatory. 42 V. c. 38, s. 12.

Convict may
be sentenced
to Reforma-
tory.

13. Every Court before which any female is convicted of an offence against any Act of the Legislature of this Province, punishable by imprisonment in the common gaol, may sentence such female to imprisonment in the said reformatory instead of the common gaol of the county where the offence was committed or was tried; but this section shall not authorize the imposition of such sentence by any Justice of the Peace, or Police or Stipendiary Magistrate. 42 V. c. 38, s. 13.

Application of ss. 12 and 13.

14. The next preceding two sections shall be held to extend to persons convicted of offences created under the authority of an Act of the Legislature of this Province as well as to persons convicted of offences directly created by the said Legislature

and to any case where imprisonment is imposed in whole or in part in default of the payment of a fine or penalty in money, notwithstanding the offender is entitled to be discharged upon payment of such fine or penalty ; if the fine or penalty is paid after the removal of the offender to the reformatory the same shall be paid to the proper officer of the reformatory to defray the expense of removal and otherwise for the use of the said reformatory, but nothing herein contained shall affect the right of any private person to the said fine or any part thereof. 44 V. c. 32, s. 1.

15. The Lieutenant-Governor may from time to time, by warrant signed by the Provincial Secretary, or by such other officer as may be authorized by the Lieutenant-Governor in Council in that behalf, direct the removal from the reformatory back to the common gaol, of any person under sentence of imprisonment for an offence against any Act of the Legislature of this Province. 42 V. c. 38, s. 14.

Transfer from
Reformatory
to Gaol.

16. The superintendent of the reformatory, or the keeper of any common gaol, having the custody of any offender ordered to be removed, shall, when required so to do, deliver up to the constable or other officer or person who produces the said warrant, the offender, together with a copy, attested by the superintendent or gaoler, of the sentence and date of conviction of the offender, as given him on reception of the offender into his custody. 42 V. c. 38, s. 15.

Superintend-
ent or Gaoler
to deliver up
prisoners.

17. Any officer appointed under section 4, or other officer or person by his direction, or by direction of the Court or other lawful authority, may convey to the reformatory any convict sentenced or liable to be imprisoned therein, and deliver her to the superintendent or keeper thereof, without any further warrant than a copy of the sentence, taken from the minutes of the Court before which the offender was tried, and certified by a Judge or the clerk or acting clerk of the Court. 42 V. c. 38, s. 16.

Copy of sen-
tence sufficient
warrant.

18. The superintendent shall receive into the reformatory every offender legally certified to her as sentenced to imprisonment therein, and shall there detain her, subject to all the rules, regulations, and discipline thereof, until the time to which she has been sentenced shall be completed, or until she is otherwise discharged in due course of law. 42 V. c. 38, s. 17.

Superintend-
ent to receive
and detain
prisoners.

19. The officer or other person employed by competent authority to convey such offender to the reformatory or back to a common gaol, as by law provided, may secure and convey her through any county or district through which he may have to pass ; and until the offender shall have been delivered to the superintendent of the reformatory, or the keeper of such common gaol, the said officer or other person shall have

Powers of offi-
cer in charge
of prisoner.

in every part of this Province through which it may be necessary to convey the offender, the same power and authority over and with regard to the offender, and to command the assistance of any person to prevent her escape, and in recapturing her in case of an escape, as the sheriff of the county in which she was convicted would himself have in conveying her from one part to another of that county. 42 V. c. 38, s. 18.

Officer to give
and take re-
ceipt for
prisoner.

20. The said officer or other person, shall give a receipt to the said superintendent or gaoler for the offender, and shall thereupon, with all convenient speed, convey and deliver up the offender with the said attested copy into the custody of the superintendent of the reformatory or gaoler of the gaol mentioned in the warrant, who shall give a receipt in writing for every offender so received into his custody, to such officer or other person, as his discharge; and the offender shall be kept in custody in the reformatory or gaol to which she has been so removed, until the termination of her sentence, or until her pardon, or release, or discharge by law, unless she is in the meantime again removed under competent authority. 42 V. c. 38, s. 19.

Powers and
duty of Super-
intendent.

21. The superintendent of the reformatory shall reside within the prison, and shall be the chief executive officer of the same, under the direction of the inspector, and as such shall have the entire execution, control, and management of all its affairs, subject to the rules, regulations, and written instructions from time to time duly made by the inspector, and approved by the Lieutenant-Governor in Council, and she shall be held responsible for the faithful and efficient administration of the offices of every department of the institution. 42 V. c. 38, s. 20.

Accountant to
give security.

22. The accountant of the reformatory shall execute to Her Majesty a bond, with sufficient sureties, conditioned for the faithful performance of the duties of the office, according to law, in the sum of \$4,000 with two sureties for \$2,000 each, which bond shall be filed in the office of the Provincial Secretary and Registrar. 42 V. c. 38, s. 21.

Superinten-
dent and offi-
cers to take
oath of allegi-
ance.

23. The superintendent and every other officer or servant employed permanently in the reformatory, shall severally take and subscribe, in a book to be kept for that purpose by the accountant at his office, the oath of allegiance to Her Majesty, and the following oath of office, viz:

"I (A. B.), do promise and swear (or affirm) that I will faithfully, diligently, and justly serve and perform the office and duties of in the Andrew Mercer Ontario Reformatory for females to the best of my ability, and that I will carefully observe and carry out all the regulations of the said prison, so help me God."

Which oath may be administered by the inspector, or, in case of any other of the said officers, by the superintendent. 42 V. c. 38, s. 22.

24. No inspector, superintendent, or other officer or servant employed in the reformatory, shall either in his own name, or in the name of, or in connection with any other person, provide, furnish, or supply any materials, goods, or provisions for the use of the said reformatory; nor shall be concerned, directly or indirectly, in furnishing or supplying the same, or in any contract relating thereto, under pain of forfeiting \$1000, with full costs of suit, to any person who sues for the same in any Court of competent jurisdiction in this Province, one-half thereof to belong to Her Majesty for the public services of this Province. 42 V. c. 38, s. 23.

Officers not to be interested in any contract.

25. No superintendent, officer, or servant, except the surgeon, shall be allowed to carry on any trade or calling of profit or emolument in the reformatory; nor shall any such superintendent, officer, or servant buy from or sell to any convict in the said prison anything whatever; or take or receive to his own use, or for the use of any other person, any fee, gratuity, or emolument from any prisoner or visitor, or any other person, or employ any convict in working for him. 42 V. c. 38, s. 24.

Officers not to engage in trade, etc., in the Reformatory.

26. Except under the rules of the institution, no spirituous or fermented liquors shall, on any pretence whatever, be brought into the reformatory for the use of any officer or person in the institution, or for the use of any convict confined therein; and any person, other than an officer of the reformatory, giving any spirituous or fermented liquors, and any person or officer giving any tobacco, snuff, or cigars, to any convict (except under the rules of the institution), or conveying the same to any such convict, shall forfeit and pay the sum of \$40 to the superintendent, to be by her recovered for the use of the reformatory, in any Court of competent jurisdiction. 42 V. c. 38, s. 25.

Liquors, etc., not to be taken into Reformatory.

27. The reformatory shall be furnished with all requisite means for enforcing the performance of hard labour by the inmates thereof. 42 V. c. 38, s. 26.

Hard labour.

28. All the land enclosed and used in connection with the reformatory building shall be held to be part of the Andrew Mercer Ontario Reformatory for females. 42 V. c. 38, s. 27.

Reformatory, what to include.

29. All dealings and transactions on account of the reformatory, and all contracts for goods, wares, or merchandise, necessary for maintaining and carrying on the said institution, or for the sale of goods prepared or manufactured in the reformatory, or for the hire, labour, or employment of any of the prisoners, shall be entered into and carried out in the corporate name of the said inspector on behalf of Her Majesty. 42 V. c. 38, s. 28.

Contracts, etc., how made.

Prisoners not
to be discharg-
ed on Sunday.

30. Whenever the time of the sentence of any prisoner committed to the reformatory, for an offence against any Act of the Legislature of Ontario, expires on a Sunday, she shall be discharged on the previous Saturday, unless she desires to remain until the following Monday. 42 V. c. 38, s. 29.

Prisoners not
to be discharg-
ed if labouring
under certain
diseases.

31. No prisoner shall be discharged from the reformatory at the termination of her sentence, if then labouring under any contagious or infectious disease, or under any acute or dangerous illness, but she shall be permitted to remain in the prison until she recovers from the disease or illness, and any convict or prisoner remaining from any such cause in the reformatory, shall be under the same discipline and control as if her sentence were still unexpired. 42 V. c. 38, s. 30.

Books of
account to re-
main in Re-
formatory.

32. All books of account, and other books, bills, registers, returns, receipts, bills of parcels, and vouchers, and all other papers and documents of every kind, relating to the affairs of the reformatory, shall be considered the property of Her Majesty and shall remain in the reformatory, and the superintendent of such reformatory shall preserve therein at least one copy of all official reports made to the Legislature respecting the same, for which purpose, and for the purpose of enabling her to distribute such official reports in exchange for like documents from other similar institutions abroad, she shall be furnished by the Clerk of the Legislative Assembly, on application, with fifty copies of such reports as printed by the said Legislative Assembly. 42 V. c. 38, s. 31.

Official re-
ports.

For the Dominion Acts relating to the Reformatory, see Revised Statutes of Canada, 1886, Chapter 183, Part II.

CHAPTER 240.

An Act to establish an Industrial Refuge for Girls.

INDUSTRIAL REFUGE, ss. 1, 2.

OFFICERS, ss. 3, 4.

COMMITTAL OR REMOVAL TO REFUGE,
ss. 5-14.

DISCHARGE, ss. 15, 16.

DEPOSITIONS TO BE DELIVERED TO
OFFICER RECEIVING PRISONER,
s. 17.EXPENSES OF CONVEYING PRISONERS
TO REFUGE, s. 18.

NOTICE TO PARENTS, s. 19.

APPRENTICING GIRLS, s. 20.

RE-COMMITTAL OF GIRLS DISCHARGED
ON PROBATION, s. 21.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Lieutenant-Governor in Council may set apart such portion of the Andrew Mercer Ontario Reformatory for females as he may think fit for the reception of girls under the age of fourteen years. 42 V. c. 39, s. 1.

Portion of the Mercer Reformatory may be set apart for Refuge.

2. The said portion so set apart shall be called "The Industrial Refuge for girls." 42 V. c. 39, s. 2.

Name of portion set apart

3. The inspector of prisons and public charities and the superintendent, accountant, surgeon and school mistress of the Andrew Mercer Ontario Reformatory for females, shall be also the inspector, superintendent, accountant, surgeon, and school mistress of the said industrial refuge for girls, and shall perform similar duties in respect to both institutions. 42 V. c. 39, s. 3.

Certain officers of Mercer Reformatory to act as officers of Refuge

4. The Lieutenant-Governor may appoint for the refuge such other officers and servants as may be required, or he may require any officer or servant of the said reformatory to act for both of the said institutions. 42 V. c. 39, s. 4.

Appointment of other officers.

5. Whenever a girl under the age of fourteen years is convicted under any Act of the Legislature of Ontario of an offence punishable on summary conviction and is thereupon sentenced and committed to prison in any common gaol, any Judge of the High Court, or the Judge of any County Court (in a case occurring within his county) may examine and enquire into the circumstances of such case and conviction, and may direct the offender to be sent either

What convicts may be sent to Refuge.

Proviso.

forthwith or at the expiration of her sentence to the said refuge, to be there detained for a period of not less than two years and not exceeding five years, and such offender shall be liable to be detained pursuant to such direction unless, in the manner hereinafter provided or otherwise lawfully, sooner discharged: provided no one sent to the refuge under this section shall be discharged under this Act until the period for which she is sentenced for her said offence has expired. 42 V. c. 39, s. 5.

Removal from Reformatory to Refuge.

6. The inspector of prisons may, upon the application of the superintendent, direct the removal from the reformatory to the said refuge of any girl under sixteen who is confined in the said reformatory for any offence within the jurisdiction of the Legislature of Ontario. 42 V. c. 39, s. 6.

In certain other cases girls may be sent to Refuge.

7. A County or District Court Judge or Police Magistrate may by his warrant commit to the refuge any girl apparently under the age of fourteen years who comes within any of the following descriptions:

1. Who is found begging or receiving alms or being in any street or public place for the purpose of begging or receiving alms;

2. Who is found wandering and not having any home or settled place of abode or proper guardianship;

3. Who is found destitute and is an orphan, or has a surviving parent who is undergoing penal servitude or imprisonment;

4. Whose parent, step-parent or guardian represents to the Judge or Police Magistrate that he is unable to control the girl and that he desires her to be sent to the refuge: the word guardian as used herein shall include any officer of a society under whose charge the girl is, or any person standing in fact in the place of a parent although not lawfully appointed a guardian;

5. Who by reason of the neglect, drunkenness, or other vices of her parents or either of them, or of any other persons in whose charge such girl is, is suffered to be growing up without salutary control and education or in circumstances which render it probable that such girl will, unless placed under proper control, lead an idle and dissolute life. 42 V. c. 39, s. 7; 50 V. c. 8, Sched.

Mode of proceeding under last section.

8. No formal information shall be requisite to authorize proceedings being taken under the preceding section, but the Judge or Police Magistrate before issuing his warrant shall have such girl brought before him and shall in her presence take evidence in writing under oath of the facts charged and shall make reasonable enquiry into the truth thereof. 42 V. c. 39, s. 8.

9. It shall be the duty of the Judge or Police Magistrate to obtain from the witnesses at the hearing, where practicable, the residence of the parents of the girl, or of the persons with whom she resides, and their post office address. 42 V. c. 39, s. 9.

Judge to obtain address of parents, etc.

10. The proceedings to be taken and the forms to be followed upon an application for a committal to the refuge shall, unless where otherwise provided by this Act, be, as nearly as may be, in accordance with the proceedings and forms which are authorized in case of prosecutions before a Justice of the Peace for an offence punishable by imprisonment under the laws of Canada upon summary conviction. 42 V. c. 39, s. 10.

Proceedings and forms.

11. It shall not be necessary in the said warrant to fix any period for the detention of any girl committed to the refuge, but every girl so committed shall be liable to be there detained for the purpose of learning some proper trade, or being taught some other means of earning her livelihood, or for the formation of industrious habits, for the period of five years, unless the Lieutenant-Governor shall sooner direct her discharge or the inspector shall make an order under section 20. 42 V. c. 39, s. 11.

Time of detention in Refuge.

12. The Lieutenant-Governor in his discretion may at any time, and from time to time, order any girl confined in the said refuge, who is reported by the superintendent as incorrigible, to be transferred to the said female reformatory for any period not exceeding two months at any one time. 42 V. c. 39, s. 12.

Transfer of prisoners from Refuge to Reformatory.

13. Where the confinement of any girl in the refuge is directed under this Act, the Judge or Police Magistrate may either by his warrant authorize some female to convey the said girl to the refuge, or he may give such directions as he considers advisable for the detention of the girl in some proper place of confinement until a female provincial bailiff, or other person lawfully authorized in that behalf, requires the said girl's delivery for the purpose of being conveyed to the refuge. 44 V. c. 32, s. 3.

Judge or Magistrate may give directions as to removal or detention of girls in certain cases.

14. In case the Judge or Police Magistrate directs the girl's detention under the next preceding section, he shall cause the superintendent of the refuge to be forthwith notified of his action in the said matter: in case a female is employed by the said Judge or Police Magistrate to convey the girl to the refuge, she shall be entitled to receive from the county or separate town, or city the like fees and charges therefor as a constable would receive for similar services. 44 V. c. 32, s. 4.

Notice of detention to be given to superintendent of Refuge.

Fees.

Superintendent to report proper cases for discharge.

15. It shall be the duty of the superintendent from time to time to report to the Provincial Secretary, for submission to the Lieutenant-Governor, the cases of such girls as she is of opinion may with propriety be discharged from the refuge. 42 V. c. 39, s. 13,

Applications for discharge of girls committed under section 7.

16. In case an application is made to any Court or Judge for the discharge from the refuge of any girl committed thereto under the provisions of section 7 of this Act, notwithstanding any irregularity in or insufficiency of the warrant or other proceedings, no order shall be made for such discharge in case the Court or Judge shall deem it for the benefit of the girl that she should remain in the refuge and it shall appear by the depositions taken before the committing Judge or Magistrate that she was liable to be committed to the refuge under the provisions of this Act. 42 V. c. 39, s. 14.

Depositions to be delivered to person receiving prisoner.

17. The committing magistrate shall deliver to the constable or other person having the execution of his warrant, the depositions taken by him, or a certified copy thereof, which depositions or copy shall be delivered by the constable or other person to the superintendent or officer receiving the prisoner into the refuge; such copy shall be *prima facie* proof of the contents of the original depositions and shall be receivable in evidence upon any application for the discharge of any girl committed thereunder. 42 V. c. 39, s. 15.

Expenses of conveying persons to Refuge.

18. The expenses of conveying to the said refuge any girl committed thereto shall be paid by the county, city, or separate town in which such girl is committed. 42 V. c. 39, s. 16.

Superintendent to send notice to parents, etc.

19. The superintendent shall, upon the reception of any girl into the refuge, ascertain from the girl and from the depositions the address of the parents, guardian, or other person with whom such girl has been living, and shall send by mail, registered, a notice that such girl has been committed to the said refuge. 42 V. c. 39, s. 17.

Power to bind girls as apprentices.

20. In case any respectable and trustworthy person is willing to undertake the charge of any girl committed to the refuge, either this Act or any other Act of the Legislature of this Province, whether she be over or under the age of twelve years, as an apprentice to the trade or calling of such person or for the purpose of domestic service, the superintendent may, with the consent of the inspector of prisons, bind the said girl to such person for any term not to extend beyond the girl's attaining the age of eighteen years, and the inspector shall thereupon order that such girl shall be absolutely discharged, or discharged on probation, and she shall be discharged accordingly; any wages reserved, in any such indenture shall be payable to the girl or to some other person for her benefit. 49 V. c. 49, s. 1, *part*.

21.—(1) The Judge of any County or District Court or any Police Magistrate, or the inspector of prisons, may upon satisfactory proof that any girl, who was sentenced under the provisions of this Act or any other Act of the Legislature of this Province, and who has been discharged on probation, has violated the conditions of her discharge, order such girl to be re-committed to the refuge, and thereupon she shall be detained therein under her original sentence, as if she had never been discharged.

Re-committal
of girls dis-
charged on
probation.

(2) The said proof may be by oral evidence, and each of the said officers is hereby authorized to administer an oath to any person requiring to give evidence under this section. 49 V. c. 49, s. 1, *part*; 50 V. c. 8, Sched.

For Dominion Acts relating to the Refuge, see Revised Statutes of Canada 1886, Chap. 183, Part II.

CHAPTER 241.

An Act respecting the Ontario Reformatory for Boys.

INTERPRETATION, s. 1.

NAME AND EXTENT OF REFORMATORY,
ss. 2,3.

OBJECTS OF REFORMATORY, s. 4.

APPOINTMENT OF OFFICERS, ss. 5,6.

INSPECTOR, s. 7.

Notice to Inspector, s. 8.

REMOVAL TO REFORMATORY, ss. 9,10.

Receipt to be given and taken for
boy, s. 11.

Powers of bailiff, s. 12.

Warrant to person other than
bailiff, s. 13.

CONTRACTS TO BE MADE BY INSPEC-
TOR, s. 14.

POWERS AND DUTIES OF INSPECTOR,
ss. 15-19.

POWERS AND DUTIES OF SUPERIN-
TENDENT, ss. 20-22.

BOOKS OF ACCOUNT TO REMAIN AT
REFORMATORY, s. 23.

OFFICERS:

Bursar to give security, s. 24.

Oaths, s. 25.

Interest in contracts, s. 26.

COMMITTAL TO REFORMATORY, s. 27.

TIME OF CONFINEMENT, s. 28.

DETENTION IN GAOL OF BOY COMMIT-
TED TO REFORMATORY, ss. 29,30.

MITIGATION OF SENTENCE, ss. 31,32.

APPRENTICING BOYS, s. 33.

DISCHARGE, ss. 34,35.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The word "county," whenever it occurs in this Act, shall include any union of counties for judicial purposes, and every judicial or territorial district now existing or that may be hereafter formed out of any portion of the unorganized territory in this Province; the word "sentence," unless where the context requires a different meaning, shall include any order made by

Interpreta-
tion.

lawful authority for the confinement of any boy in the reformatory hereinafter mentioned, and the word "sentenced," shall include the making of such order. 43 V. c. 34, s. 1.

Name of Reformatory.

2. The institution established at Penetanguishene, and known as the reformatory prison, is hereby continued, and shall hereafter be designated the "Ontario Reformatory for Boys." 43 V. c. 34, s. 2.

Property included in Reformatory.

3. The said Ontario reformatory for boys shall be held to include all the lands and buildings now attached and belonging to the reformatory, including the lands acquired from the Ordnance Department, and known as "the redoubts," and whatever land may hereafter be purchased or acquired for the purposes of the reformatory, and whatever buildings may hereafter be erected upon any of the said lands. 43 V. c. 34, s. 3.

Objects of Reformatory.

4. The reformatory shall have for its objects the custody and detention, with a view to their education, industrial training, and moral reclamation, of such boys as shall be lawfully sentenced to confinement therein. 43 V. c. 34, s. 4.

Appointment of certain officers.

5. The Lieutenant-Governor may from time to time appoint for the reformatory a superintendent, a deputy-superintendent, a bursar, a storekeeper and steward, two or more schoolmasters, a surgeon, and such trade-instructors, overseers, and other officers and servants as the efficient management of the said reformatory may require; and may fix and determine their respective salaries. 43 V. c. 34, s. 5.

Qualification of school masters.

6. No person shall be deemed legally qualified to be a schoolmaster in the reformatory who does not at the time of his appointment, and during his tenancy of the office, hold a first or second-class certificate of qualification as public school teacher in this Province. 43 V. c. 34, s. 6.

Inspector.

7. The inspector of prisons and public charities shall, by virtue of his office, be the inspector of the reformatory. 43 V. c. 34, s. 7.

Notice to be sent to Inspector when any boy is sentenced to Reformatory.

8. Whenever a boy is sentenced to confinement in the said reformatory, the sheriff or other officer having the lawful custody of such boy, shall forthwith notify the inspector of such sentence, and shall at the same time send to the inspector a copy of the sentence of such boy, taken from the minutes of the Court before which such boy was tried, and certified by a Judge, or the clerk, or acting clerk of such Court, or in case the boy is held in custody under the order or warrant of a Judge, Justice of the Peace, or other Magistrate, a copy, certified by such sheriff or other officer, of the said order or warrant, together with a return in accordance with the schedule to this Act, properly filled up. 43 V. c. 34, s. 8.

9. The inspector may thereupon issue his warrant in duplicate under his official seal, to a provincial bailiff requiring the bailiff to take the boy into his custody, and the sheriff or other officer having the lawful custody of such boy, shall when required so to do, upon production of one of the duplicates of the warrant, deliver up the said boy to the bailiff, and in case the sheriff or other officer holds a warrant or order for the confinement of such boy in the reformatory, he shall also deliver the original warrant or order with the boy to the bailiff, in order that he may deliver the same to the superintendent of the reformatory. 43 V. c. 34, s. 9. Warrant of removal.

10. The bailiff may take into his custody, for the purpose of removal to the said reformatory, any boy sentenced to the reformatory, without any further authority than the said warrant of the inspector, and either the said certified copy of the sentence or the said original warrant or order. 43 V. c. 34, s. 10. Authority for removal.

11. The bailiff shall give one of the duplicates of the warrant and a receipt for such boy to the sheriff, gaoler, superintendent, or other officer having the custody of such boy, and shall thereupon, with all convenient speed, convey and deliver up such boy, with the certified copy of the sentence, or warrant or order, into the custody of the superintendent of the reformatory, or the warden or keeper of the said place to which such boy may be lawfully removed, and the superintendent, warden, or keeper shall give a receipt in writing for every boy so received into his custody to the bailiff as his discharge; and such boy shall be kept in custody in the reformatory, or other lawful place to which he has been so removed, until the termination of his sentence, or until his pardon, release, or discharge by law or until he be removed therefrom under competent authority. 43 V. c. 34, s. 11. Receipt to be given and taken by bailiff.

12. The bailiff may secure and convey such boy through any county through which he may have to pass; and until such boy shall have been delivered to the superintendent of the reformatory, or to the warden or keeper of any place to which such boy may lawfully be removed from the reformatory, the bailiff shall have, in every part of this Province through which it may be necessary to convey such boy, the same power and authority over and with regard to such boy, and to command the assistance of any person to prevent his escape, and to recapture him in case of his escape, as the sheriff of the county in which he was convicted would himself have in conveying him from one part to another of that county. 43 V. c. 34, s. 12. Powers of bailiff.

13. The inspector may, whenever it is more convenient so to do, address his warrant for the removal of any boy to or from the reformatory (whose removal is by law required Warrant may be directed to person not a bailiff.

or authorized) to any fit and proper officer or person other than the bailiff, and such officer and person shall thereupon, as to every such boy and for his removal or to prevent his escape or for his recapture, possess all the rights and authority which a provincial bailiff would have had if such warrant had been addressed to him, and shall perform the like duties. 43 V. c. 34, s. 13.

Contracts how
to be made.

14. All dealings and transactions on account of the reformatory, and all contracts for goods, wares, or merchandise necessary for maintaining and carrying on the industrial operations of the said institution, or for the sale of goods prepared or manufactured therein, or for the hire, labour or employment of any boy therein confined, either within or without the limits of the reformatory, shall be entered into and carried out in the corporate name of the inspector on behalf of Her Majesty. 43 V. c. 34, s. 14.

Inspector to
make rules,
etc.

15. The inspector shall make rules and regulations for the management, interior economy and discipline of the reformatory, and for fixing and prescribing the duties and conduct of the superintendent and every other officer and servant employed therein, and for the clothing, maintenance, education, employment, industrial instruction, classification, discipline, correction, punishment, reward, and general oversight and care of all boys sent to the reformatory, and may repeal and amend the same from time to time; but no such rule or regulation, repeal or amendment shall have any effect unless and until it is first approved of by the Lieutenant-Governor in Council. 43 V. c. 34, s. 15.

Powers of In-
spector over
officers of Re-
formatory.

16. The inspector shall have power summarily to suspend any of the officers or servants of the reformatory for misconduct, until the circumstances of the case (of which the Lieutenant-Governor shall be at once notified) have been decided upon by the Lieutenant-Governor in Council, and the inspector may, until such decision shall have been notified to him, cause any officer or servant so suspended to be removed beyond the precincts of the reformatory; and it shall be the duty of the said inspector to recommend the removal of any officer or servant whom he finds incapable, inefficient, or negligent in the execution of his duty, or whose presence in the reformatory he may deem injurious to the interests thereof; and the pay of every officer or servant so suspended shall cease during the period of such suspension. 43 V. c. 34, s. 16.

Inspector may
impose fines.

17. The inspector may impose upon any officer or servant of the reformatory, for any act of negligence, carelessness, or insubordination by him committed, a fine of reasonable amount, not exceeding one month's pay of the officer or servant, as the inspector may think fit. 43 V. c. 34, s. 17.

18. The inspector shall have power at all times to enter into the reformatory, and have access to every part thereof, and to examine all papers, documents, vouchers, records, books, and other things belonging thereto; and to investigate the conduct of any officer or servant employed in or about the reformatory, or of any person found within the precincts thereof, and may summon any person before him by order under his hand, and examine such person under oath touching any matter relating to any breach of the rules of the reformatory, or any matter affecting the interests of the institution, and may by the same or like order compel the production of books, papers, and writings before him; and any person, having been duly served with a copy of such order, who shall neglect or refuse to appear at the time and place specified therein, or shall refuse to give evidence, or to produce the books, papers, or writings demanded of him, may, by virtue of a warrant under the hand of the inspector in that behalf, be taken into custody, and imprisoned in the common gaol as for contempt of Court, for a period not exceeding fourteen days. 43 V. c. 34, s. 18.

Inspection of
Reformatory
by Inspector.

19. It shall also be the duty of the inspector to audit the accounts of the bursar of the reformatory, to inquire into all money transactions when requisite, and to demand and obtain a statement of all cash transactions of the reformatory every month. 43 V. c. 34, s. 19.

Audit by
Inspector.

20. The superintendent of the reformatory shall reside in a house to be provided for him within the grounds of the reformatory, and shall be the chief executive officer of the same, under the direction of the inspector, and as such shall have the entire execution, control, and management of all its affairs, other than those under the control and management of the bursar, subject to the rules and regulations made by the inspector as aforesaid, and he shall be held responsible for the faithful and efficient administration of the offices of every department of the institution. 43 V. c. 34, s. 20.

Powers and
duty of Super-
intendent.

21. The superintendent shall receive into the reformatory every boy legally certified to him as sentenced to confinement therein, and shall there detain him, subject to all the rules, regulations, and discipline thereof, until the time to which he has been sentenced shall be completed, or until he shall be otherwise lawfully discharged. 43 V. c. 34, s. 21.

Superintend-
ent to receive
and detain
boys sentenced
to Reforma-
tory.

22. The superintendent shall, upon the reception of any boy into the reformatory, ascertain the address of the parents, guardian, or other person with whom such boy has been living, and shall send by mail, registered, a notice that such boy has been committed to the reformatory. 43 V. c. 34, s. 22.

Superinten-
dent to notify
parents, etc.

Books of account, etc., to remain in Reformatory.

23. All books of account, bills, registers, returns, receipts, bills of parcels, and vouchers, and all other books, papers, and documents of every kind relating to the affairs of the reformatory, shall be considered the property of Her Majesty and shall remain in the reformatory; and the superintendent of the reformatory shall preserve therein at least one copy of all official reports made to the Legislature respecting the same, for which purpose, and for the purpose of enabling him to distribute such official reports in exchange for like documents from other similar institutions elsewhere, he shall be furnished by the Clerk of the Legislative Assembly, on application, with fifty copies of such reports as printed by the said Legislative Assembly. 43 V. c. 34, s. 23.

Official reports.

Bursar, etc., to give security.

24. Every bursar, and every storekeeper and steward of the reformatory, shall severally execute to Her Majesty a bond, with the security of some guarantee company in good standing in this Province, conditioned for the faithful performance of the duties of their respective offices according to law, in the respective sums following, that is to say: the bursar in \$3,000, and the storekeeper and steward in \$1,000, which bond shall be filed in the office of the Provincial Secretary and Registrar. 43 V. c. 34, s. 24.

Oaths to be taken by Superintendent, etc.

25. Every superintendent, officer, and servant employed permanently in the said reformatory, shall severally take and subscribe in a book to be kept for that purpose by the bursar at his office, the oath of allegiance to Her Majesty, and the following oath of office, viz:—

“I, (A. B.) do promise and swear (or affirm) that I will faithfully, diligently, and justly perform the duties of _____ in the Ontario Reformatory for Boys to the best of my ability, and that I will carefully observe and carry out all the rules and regulations of the said Reformatory, so help me God :”

Which oath may be administered by the inspector, or by a Justice of the Peace, and in the case of any of the said officers or servants other than the superintendent, by the superintendent. 43 V. c. 34, s. 25.

Officers not to be interested in any contract for supply of Reformatory.

26 No inspector, superintendent, or other officer or servant employed in the reformatory, shall, either in his own name, or in the name of or in connection with any other person, provide, furnish, or supply any materials, goods, or provisions, for the use of the reformatory, or be concerned, directly or indirectly, in furnishing or supplying the same, or in any contract relating thereto, under a penalty of \$1,000, with full costs of suit, to any person who sues for the same in any Court of competent jurisdiction in this Province, one-half of the penalty to belong to the person suing for the same, and the other half to Her Majesty for the public services of this Province. 43 V. c. 34, s. 26.

Penalty.

27. Upon complaint and due proof made to the Judge of any County or District Court or to any Police Magistrate, by a parent or guardian of any boy between the ages of ten and thirteen years, that by reason of incorrigible or vicious conduct, such boy is beyond the control of such parent or guardian, and that a due regard for the material and moral welfare of such child manifestly requires that he should be committed to the reformatory, the Judge or Police Magistrate may order such boy to be confined in the reformatory for an undefined period not to exceed five years. 43 V. c. 34 s. 27; 50 V. c. 8, sched.

Boys may be sent to Reformatory on proof that they are so incorrigible or vicious as to be beyond control.

28. Any Court, Judge, Police or Stipendiary Magistrate, or Justice of the Peace, who, under and by virtue of any Act of the Legislature of this Province, has, or shall have, power to sentence any boy to be confined in the reformatory for any stated period, may sentence such boy to be confined therein for an undefined period; and such boy shall thereupon be detained in the reformatory until he be reformed or otherwise fit to be apprenticed or bound out, or be probationally or permanently discharged, as hereinafter provided: Provided that such boy shall not be detained for a longer time than the maximum term of confinement for which he might have been sentenced for the offence of which he was convicted; and that no boy shall be sentenced under this section who cannot be imprisoned for two years or over. 43 V. c. 34, s. 28.

Time of confinement in Reformatory.

Proviso.

29. In case a boy is sentenced to confinement in the reformatory, a copy of the sentence of the Court duly certified as aforesaid, or the warrant or order of the Judge, Justice of the Peace, or other Magistrate by whom the boy is sentenced, shall be a sufficient authority to the sheriff, constable, or other officer who may be directed so to do (which direction may be verbal) to convey such boy to the common gaol of the county where such sentence is pronounced, and for the gaoler of such gaol to receive and detain the said boy until the provincial bailiff or other person entrusted with the warrant of the inspector shall require the delivery of such boy for removal to the reformatory. 43 V. c. 34, s. 29.

Warrant for detention in gaol of persons sentenced to Reformatory.

30. In case a boy, sentenced under any Act of the Legislature of Ontario to be confined in the reformatory, is in such a weak state of health that he cannot safely or conveniently be removed to the reformatory, he may be detained in the common gaol or other place of confinement in which he may be, until he is sufficiently recovered to be safely and conveniently removed to the reformatory; but any time during which such boy is so detained shall be reckoned in computing the time served by such boy in the reformatory. 43 V. c. 34, s. 30.

Detention in gaol when boy cannot safely or conveniently be removed.

31. In order to encourage good behaviour and industry among the boys in the said reformatory, and with a view to permitting every boy to earn a remission of a portion of the

Record to be kept with a view to mitigation of sentence.

term for which he was sentenced to the said reformatory, it shall be lawful for the inspector to make rules so that a correct record of the conduct of every boy may be made under the mark system. 43 V. c. 34, s. 31.

Proceedings
for remission
of sentence.

32. When under the rules in that behalf, a boy shall have obtained the requisite number of good marks, based upon good conduct, proficiency in school and industrious habits, and shall in addition thereto have given satisfactory evidence of being reformed, it shall be the duty of the superintendent to transmit to the inspector a certificate to that effect, and also the separate certificates to a like effect or with such variations as their respective opinions may render necessary, of the minister or other person who has given religious instruction to such boy, of the schoolmaster who has given him secular instruction and of the trade instructors, if any, whom he has been under; whereupon, the inspector, if he considers it requisite, shall make further enquiry into the facts, and having satisfied himself that the boy has earned his discharge shall forthwith transmit the certificates and other papers to the Attorney-General of the Province, with a recommendation that action be taken to have the remaining portion of the sentence of such boy remitted, or to have such boy discharged on probation for a stated period: Provided that no action shall be taken under this section in respect of any boy who has not been at least one year in the reformatory: Provided also that the Judge of any County Court or any Police Magistrate may, upon satisfactory proof that any boy who was sentenced under the provisions of an Act of the Legislature of Ontario and who has been discharged on probation, has violated the conditions of his discharge, order such boy to be recommitted to the reformatory, there to be confined for the residue of the term for which he was originally sentenced. 43 V. c. 34, s. 32.

Proviso.

Proviso.

Superintendent
may apprentice boys
in certain
cases.

33. In case any respectable and trustworthy person is willing to undertake the charge of any boy committed to the reformatory, when such boy is over the age of twelve years, as an apprentice to the trade or calling of such person, or for the purpose of domestic service, and such boy is confined in the reformatory by virtue of a sentence pronounced under the authority of any statute of this Province, the superintendent may, with the consent and in the name of the inspector, bind the said boy to such person for any term not to extend beyond a period of five years from the commencement of his imprisonment, without his consent, and the inspector shall thereupon order that such boy shall be discharged from the said reformatory, and he shall be discharged accordingly: Provided that any wages reserved in any indenture of apprenticeship made under this section shall be payable to the said boy or to some other person for his benefit. 43 V. c. 34, s. 33.

Proviso

34. Whenever the time of any boy's sentence in the reformatory, under any law within the legislative jurisdiction of this Province, shall expire on a Sunday, he shall be discharged on the previous Saturday, unless he desires to remain until the Monday following. 43 V. c. 34, s. 34.

Boys not to be discharged on Sunday.

35. No boy shall be discharged from the reformatory at the termination of his sentence, if then labouring under any contagious or infectious disease, or under any acute or dangerous illness, but he shall be permitted to remain in the reformatory until he recovers from such disease or illness: Provided that any boy remaining in the reformatory from any such cause shall be under the same discipline and control as if his sentence were still unexpired. 43 V. c. 34, s. 35.

Boys not to be discharged if labouring under certain diseases.

Proviso.

SCHEDULE.

(Section 8.)

ONTARIO REFORMATORY FOR BOYS.

RETURN MADE UNDER R. S. O., CAP. 241, SEC. 8, OF BOY IN GAOL
LIABLE TO TRANSFER TO THE REFORMATORY.

(A separate return to be made with each boy).

1. Name in full.
2. Age.
3. From what court sentenced.
4. Date of sentence.
5. Period and nature of sentence.
6. Place of residence.
7. Place of birth.
8. Name and post-office address of parents, guardian or other person with whom boy has been living.
9. Trade, occupation or calling of boy, if any.
10. Temperate or intemperate.
11. If married, state the fact.
12. Religious denomination.
13. Degree of education.
14. Offence.
15. Fine, if any.
16. Gaoler's opinion as to physical and mental condition of boy, and his fitness to perform ordinary work.

(Signature of Sheriff.)

(Date of return.)

43 V. c. 34, Sched. A.

For Dominion Acts relating to the Reformatory, see R. S. C., Chapter 183, Part II. See also R. S. C., Chapter 182, sec. 49 and 50.

CHAPTER 242.

An Act respecting the removal of persons from County Gaols to Provincial Institutions.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Appointment
of bailiffs.

1. The Lieutenant-Governor may appoint a bailiff or bailiffs' male or female, who shall be designated and known as provincial bailiffs, and who shall be employed for the purpose of conveying any person from time to time confined in any of the common gaols of the Province or other place of custody, and liable to be thence lawfully removed to any asylum or other institution for the insane in this Province, or to the Reformatory for Boys, or to the Andrew Mercer Ontario Reformatory for Females, or to the Industrial Refuge for Girls, and also in the performance of such other duties as may be assigned to him, her, or them by the Inspector of Prisons and Public Charities. 43 V. c. 35, s. 1.

Warrant for
removal.

2. Any bailiff so appointed may convey any person from the gaol or other place of custody to such one of the provincial institutions in the preceding section mentioned in which such person is lawfully directed to be confined, without any further authority than the warrant of the inspector of prisons and public charities under his official seal and in duplicate, and such person shall be received into such provincial institution and there detained subject to the rules, regulations and discipline thereof until legally entitled to be discharged therefrom. 43 V. c. 35, s. 2.

Powers of
bailiffs.

3. The bailiff, in the conveyance of such person as aforesaid to any of the provincial institutions hereinbefore mentioned, may secure and convey him through any county or district through which such bailiff may have to pass, and until such person has been delivered to and placed in such provincial institution, such bailiff shall have, in every part of this Province, the same power and authority over and with regard to such person, and to command the assistance of any person to prevent his escape, and in recapturing him in case of an escape, as the sheriff of the county in which he was convicted or confined would himself have in conveying him from one part to another of that county. 43 V. c. 35, s. 3.

Bailiffs to
give and take
receipts for
persons in
their charge.

4. The bailiff shall give one of the duplicates of the warrant and a receipt to the sheriff or gaoler for every person so liable to be removed from the gaol or other place of custody, and shall thereupon with all convenient speed convey and deliver up such

person with the other duplicate of the warrant to the superintendent or other official head of such provincial institution, who shall give his receipt in writing for every such person so received by him to such bailiff, as evidence of his discharge of duty, and every such person shall be kept in such provincial institution until legally discharged, or removed under competent authority. 43 V. c. 35, s. 4.

5. The county or other municipality, in which the gaol or other place of custody is located and from which such person may be removed by such bailiff as aforesaid, shall be liable to pay to the Treasurer of the Province, on demand, the expenses incurred in the removal and conveyance, as aforesaid, of each person, together with sixty per centum added thereto toward the salary or other remuneration of such bailiff: Provided always that when gaols are maintained jointly by cities and counties, or in case of towns separated from counties, the county shall be held to be the municipality in which the gaol is located, and the cities or towns shall pay their just proportion of such salaries and expenses, and if not mutually agreed upon, the same shall be determined by arbitration as provided by *The Municipal Act*. 43 V. c. 35, s. 5.

Payment by municipalities.

Proviso.

Rev. Stat. c. 184.

CHAPTER 243.

An Act respecting the use of Spirituous Liquors in Gaols and Prisons.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. No license shall be granted for retailing spirituous liquors within any gaol or prison ; and if any gaoler, keeper or officer of any gaol or prison, sells, lends, uses or gives away, or knowingly permits or suffers any spirituous liquors or strong waters to be sold, used, lent or given away in such gaol or prison, or to be brought into the same, other than such spirituous liquors or strong waters as may be prescribed by or given by the prescription and direction of a legally qualified medical practitioner, such gaoler, keeper or other officer shall, for every such offence, forfeit the sum of \$80, one moiety thereof to Her Majesty, for the public uses of the Province, and the other moiety, with full costs of suit, to the person who sues for the same in any of Her Majesty's Courts of Record in Ontario; and in case any gaoler or other officer, having been so convicted,

No license to be granted for retailing spirituous liquors within gaols.

Penalty

offends again in like manner, and is thereof a second time convicted, such second offence shall be a forfeiture of his office R. S. O. 1877, c. 219, s. 1.

Penalty on persons supplying spirits to a prisoner in gaol.

2. If any person gives, conveys or supplies to any prisoner confined in any common gaol or house of correction, any rum, brandy, whiskey, or other spirituous liquors, contrary to the rules and regulations from time to time established by law, such offender, being duly convicted thereof before two Justices of the Peace, shall be fined a sum not exceeding \$20. R. S. O. 1877, c. 219, s. 2.

CHAPTER 244.

An Act to provide for employing Prisoners without the walls of Common Gaols.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lieutenant-Governor may authorize employment of prisoners outside gaol.

1. The Lieutenant-Governor in Council may, from time to time, direct or authorize the employment upon any work or duty, the nature of which is specified in the Order in Council, beyond the limits of any common gaol, of any prisoner who is sentenced to be imprisoned with hard labour in such gaol under the authority of any Statute of Ontario, or for the breach of the by-laws of any municipal corporation in this Province. 48 V. c. 52, s. 1.

Discipline of gaol to be observed during employment.

2. Every such prisoner shall, during such employment, be subject to all the rules, regulations and discipline of the gaol so far as applicable, and to any regulations made by the Lieutenant-Governor in Council under section 8 of chapter 138 of the Revised Statutes of Canada or any Act thereby consolidated, for preventing escapes and preserving discipline. 41 V. c. 24, s. 2.

Supervision.

3. No such prisoner shall be so employed, save under the strictest care and supervision of officers appointed to that duty. 41 V. c. 24, s. 3.

Place of work to be deemed part of gaol.

4. Every street, highway or public thoroughfare of any kind along or across which prisoners may pass in going to or returning from their work, and every place where they may be employed under this Act, shall, while so used, be considered as a portion of the gaol for the purposes of this Act so far as the legislative authority of this Province extends in this behalf. 41 V. c. 24, s. 4.

5. An account shall be kept of the amount earned by the labour of prisoners imprisoned in any common gaol, and such amount shall be divided between the Province and the county in proportion to the amount contributed by them respectively towards the care and maintenance of the said prisoners; the division shall be made by such officer, or other person or persons, and at such times as the Lieutenant-Governor in Council shall direct. 41 V. c. 24, s. 5.

Application of earnings of prisoners.

6. In the case of a county in which a city or separated town is situate, the share of such earnings which the said city or town shall be entitled to receive from the county shall, in case the councils are unable to agree with respect thereto, be determined annually by arbitration, according to the provisions of *The Municipal Act*. 41 V. c. 24, s. 6.

Application of earnings between county and city or towns.

Rev. Stat. c. 184.

See also R. S. C. 1886, Chap. 183, Sec. 8-12.

CHAPTER 245.

An Act Respecting Lunatic Asylums and the Custody of Insane Persons.

INTERPRETATION, s. 1.
 ASYLUMS VESTED IN THE CROWN, s. 2.
 DESIGNATION OF ASYLUMS, s. 3.
 OFFICERS, ss. 4-6.
 ADMISSIONS TO ASYLUM, ss. 7-9.
 REMOVAL OF PATIENT NOT TO AFFECT AGREEMENT FOR MAINTENANCE, s. 10.
 DESTITUTE INSANE, s. 11.
 COMMITMENT OF DANGEROUS LUNATICS, ss. 12-25.
 Inquiry as to property, etc., of lunatic, ss. 19-24.
 REMOVAL OF PRISONERS FROM GAOL TO ASYLUM, s. 26.
 Inquiry and examination, ss. 27-29.
 DISCHARGE, ss. 30-32.
 REMOVAL TO ASYLUM, ss. 33-35.
 REMOVAL TO COUNTRY FROM WHICH PERSON CAME, s. 36.

EXPENSES OF INQUIRIES AND CONVEYANCE TO ASYLUM, s. 37.
 ESCAPE AND RE-COMMITTAL, ss. 38-41.
 MAINTENANCE OF LUNATICS, ss. 42-48.
 POWERS OF INSPECTOR :
 To sue for maintenance, s. 47.
 To take control of property, ss. 48-52.
 To act as Committee, ss. 53-57.
 Liability to account, s. 58.
 Disputes how settled, s. 59.
 Costs of Inspector, s. 60.
 Moneys in Court payable to inspector, s. 61.
 Power to make special orders as to comfort of lunatic, s. 62.
 Power as to property of insane persons detained in gaol, ss. 63-65.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Interpretation—

1. Where the words following occur in this Act, or in the schedules thereto, they shall be construed in the manner herein-after mentioned unless a contrary intention appears;

“Inspector.”
Rev.Stat. c.
250.

1. “Inspector” shall mean the inspector of prisons and public charities, appointed under *The Prison and Asylum Inspection Act*.

“Lunatic.”

2. “Lunatic” shall mean any insane person, whether found so by inquisition or not.

“Father.”

3 “Father” shall include any husband of the lunatic’s mother, and “mother” shall include any wife of the lunatic’s father; provided, in either case, that the birth of such lunatic

“Mother.”

was legitimate. R. S. O. 1877, c. 220, s. 1.

Certain Asylums vested in the Crown.

2. The asylums for the insane at Toronto, London, Kingston, Hamilton and Orillia, and any other public asylum established or acquired under any grant from the Legislature of this Province, for the custody and treatment of insane persons, and all the property and effects, real and personal belonging thereto, shall be vested in the Crown. R. S. O. 1877, c. 220, ss. 2, 4.

Designation of asylums.

3. Such asylums shall be called “The Asylum for the Insane, Toronto,” or “The Asylum for the Insane, London,” or elsewhere, according to the fact. R. S. O. 1877, c. 220, s. 3.

OFFICERS.

Medical superintendent, appointment and duties of.

4. The Lieutenant-Governor may from time to time appoint in each asylum a medical superintendent, who shall—

1. Direct and control the medical and moral treatment of the patients;

2. Hire and discharge from time to time the attendants and servants;

3. Watch over the internal management, and maintain the discipline and due observance of the by-laws of the institution;

4. Report the condition thereof to the inspector of prisons and public charities at each visit;

5. Annually report to the inspector upon the affairs of the institution, with such suggestions as may in his opinion tend to the improvement of the asylum. R. S. O. 1877, c. 220, s. 5.

The Bursar, appointment and duties of.

5. The financial business and affairs of each of the said asylums shall be conducted by an officer to be appointed from time to time by the Lieutenant-Governor, to be called “The Bursar,” who shall—

1. Report the state of the income and expenditure of the asylum to the inspector quarterly, and to the medical superintendent monthly;

2. Perform such other duties as may be assigned to him under any rules or regulations in force respecting such asylum, and in accordance with the direction of the inspector. R. S. O. 1877, c. 220, s. 6.

6. The salaries of the medical superintendent and bur-sar, shall be such amounts as may be appropriated by the Legislature therefor. R. S. O. 1877, c. 220, s. 7; 41 V. c. 2, s. 39. Sched. B.

Salary of Su-
perintendent
and Bursar.

ADMISSIONS.

7. No person shall be admitted into any of the said asylums as a lunatic (except upon an order of the Lieutenant-Governor) without the certificates (Form A) of two medical practitioners, each attested by the signatures of two subscribing witnesses, and bearing date within three months of the time of such admission. R. S. O. 1877, c. 220, s. 8; 45 V. c. 32, s. 3.

No admission
without order
of Lieutenant-
Governor or
certificates of
two doctors.

8. Every such certificate shall state that the medical practitioner signing the same personally examined the patient separately from any other medical practitioner, and after due inquiry into all necessary facts relating to the case of the patient, found him to be insane; and the medical practitioner so certifying shall also, in the certificate, specify the facts upon which he has formed his opinion that the person to whom the certificate relates is insane, and he shall therein distinguish the facts observed by himself from facts communicated to him by others. R. S. O. 1877, c. 220, s. 9.

Contents of
certificates.

9. The certificate shall be a sufficient authority to any person to convey the lunatic to any of the said asylums, and to the authorities thereof to detain him therein, or to the authorities of any other asylum to which the lunatic may have been or may be removed by the order of the inspector of prisons and public charities to detain him in such asylum as long as he continues to be insane. R. S. O. 1877, c. 220, s. 10.

Effect of certi-
ficates as
authority to
detain.

10. Where any obligation or agreement has been or may be entered into with the bursar of an asylum, or with Her Majesty, to secure the payment of the charges for the maintenance of any patient in an asylum, or to secure the payment of part thereof, such obligation and agreement shall be and continue in force and binding, and the parties thereto shall be and continue liable for the maintenance or partial maintenance of the patient, so long as he is maintained in a provincial asylum, notwithstanding his removal to an asylum different from that named in the obligation or agreement: but where the obligation or agreement is for a limited period of time, nothing herein contained shall be construed to extend the liability beyond the period limited. R. S. O. 1877, c. 220, s. 11.

Agreements
for mainten-
ance of pa-
tients to con-
tinue in force
notwithstand-
ing a removal
to a different
asylum.

Examination
of destitute
insane
persons.

11.—(1) In any municipality within the Province of Ontario, where an insane person is in destitute circumstances, and is a fit subject for asylum treatment, application may be made to the head of the municipality for an examination to be made and certificates given, in accordance with sections 7, 8 and 9, of this Act, and the head of the municipality, if satisfied that the insane person is in destitute circumstances, shall, immediately after receiving the application, notify two medical practitioners to make the required examination. 45 V. c. 32, s. 1.

Payment of
expenses of
examination,
etc.

(2) The council of the municipality shall pay the medical practitioners for the examination and certificate a sum not exceeding \$5 each, and twenty cents for each mile necessarily travelled, and shall also pay the necessary expenses incurred in conveying such insane person or persons to one of the provincial lunatic asylums; said sum to be reimbursed to the municipality by the county, where the municipality is a part of the county. 45 V. c. 32, s. 2.

COMMITTAL OF DANGEROUS LUNATICS.

Justice may
issue warrant
to apprehend
person be-
lieved to be in-
sane and
dangerous to
be at large.

12. Where an information is laid before any of Her Majesty's Justices of the Peace for any territorial division that any person, being within the limits of the jurisdiction of such Justice, is, or is suspected and believed by the person laying the information to be insane and dangerous to be at large, and has exhibited a purpose of committing some crime for which, if committed, such person would be liable to be indicted, such Justice may issue his warrant to apprehend such person and to cause him to be brought before such Justice or any other Justice for the same territorial division. R. S. O. 1877, c. 220, s. 12.

Warrant to
apprehend,
form of.

13. Every such warrant (Form B) shall be under the hand and seal of the Justice issuing the same, and may be directed to all or any of the constables or other peace officers of the territorial division within which the Justice issuing the same has jurisdiction, and shall name or otherwise describe the person against whom the information has been laid; and shall state that information has been laid on oath that such person is insane and dangerous to be at large; and the warrant shall order the person or persons to whom it is directed to apprehend the person against whom the information has been laid and to bring him before the Justice issuing the warrant, or before some other Justice of the Peace for the territorial division, in order that inquiry may be made respecting the sanity of such person, and that he may be further dealt with according to law. R. S. O. 1877, c. 220, s. 13.

Proceedings
on apprehen-
sion.

14. Where the person alleged to be insane has been apprehended under the warrant, he shall be brought before the same Justice of the Peace, or some other Justice for the same terri-

torial division, and the Justice may thereupon by his warrant (Form C) commit the said alleged insane person to the common gaol or other prison, or if the Justice thinks fit, to the custody of the constable or other person who apprehended him, or to such other safe custody as the Justice deems fit; and he shall in such case order the person apprehended to be brought up at a certain time or place before the Justice of which order the informant shall have due notice; or the Justice may, if he considers fitting, proceed forthwith to hear the matter as in the next section directed; but no committal under this section shall be for a longer period than three days. R. S. O. 1877, c. 220, s. 14.

Warrant of committal.

15. Upon the day so appointed the said Justice shall proceed to hear such evidence under oath as may be adduced with reference to the alleged insanity of the prisoner, and shall then or previously direct inquiry to be made as to the friends and relatives of the prisoner in order that the evidence of some person or persons who is or are acquainted with the family and previous habits of the prisoner may be had before the committal of the prisoner to custody as an insane person is directed. R. S. O. 1877, c. 220, s. 15.

Hearing of evidence; inquiry among friends, etc.

16. The Justice may from time to time adjourn the inquiry, and again commit for safe custody until proper inquiry is made as herein directed. R. S. O. 1877, c. 220, s. 16.

Adjournment of inquiry.

17. If after reasonable inquiry has been made by the Justice he is satisfied that the prisoner is insane and dangerous to be at large, the Justice shall commit (Form D) the prisoner to the common gaol of the territorial division, there to remain until the pleasure of the Lieutenant-Governor is known, or until the prisoner is discharged by law. R. S. O. 1877, c. 220, s. 17.

Committal on finding of insanity.

18. In case it appears to the Justice that the prisoner is not insane, or is not dangerous to be at large, then the Justice shall forthwith discharge such person. R. S. O. 1877, c. 220, s. 18.

Discharge as not insane.

19. If the Justice is satisfied that the person so apprehended as aforesaid is insane and dangerous to be at large it shall also be the duty of the Justice to make inquiry whether the prisoner is possessed of any and of what property, and where the same is situated, and also as to the number of persons (if any) who are dependent for support upon the prisoner, so that it may be ascertained whether the prisoner should be sustained as an insane pauper or not. R. S. O. 1877, c. 220, s. 19.

Inquiry as to property and dependents.

20. It shall also be the duty of the Justice upon the examination of the witnesses in respect to such alleged insanity, and the danger of permitting the person apprehended to be at

Justice to inquire as to matters in schedule 2.

large, to elicit as far as such Justice may be able, all information in respect to the matters set out in Schedule No. 2 to this Act. R. S. O. 1877, c. 220, s. 20.

If the Justice thinks inquiries would be less expensive in the County Town, to certify accordingly.

21. If, in the opinion of the Justice, it will be much less expensive to make the inquiries directed in the preceding two sections in the county town, or in case he finds that the persons whom it is necessary to examine in order to obtain the information desired live at a considerable distance, the Justice may, in lieu of making said inquiries, certify such fact or facts, and the Justice shall in such case be excused from making such inquiries. R. S. O. 1877, c. 220, s. 21.

Certificates, etc., to be sent by Justice to the keeper of gaol, who shall transmit to Sheriff.

22. The Justice shall forthwith send, certified, to the keeper of the gaol to which the insane person is committed, the depositions taken before him, and also the certificate (if any) given under the preceding section, and the keeper of the gaol shall forthwith deliver the same to the sheriff. R. S. O. 1877, c. 220, s. 22.

Judge of County Court to make inquiries required by ss. 19 and 20.

23. The Judge of the County Court of the county, or the Deputy or Junior Judge, or if there is no Deputy or Junior Judge, and the said Judge of the County Court is absent from the county, or unable to act, then such other Justice of the Peace as may be requested by the County Court Judge to act in his stead in this behalf, shall as soon as conveniently may be, cause to be made such of the inquiries directed to be made by sections 19 and 20 of this Act as have not been previously fully made; and the County Crown Attorney shall cause to be summoned the witnesses required therefor; but should the Judge or other Justice find that such inquiries will be expensive, or that sufficient information has been obtained for the purposes of this Act by other means, then the Judge or Justice need not make the inquiries by this section directed. R. S. O. 1877, c. 220, s. 23.

When excused.

Compelling attendance of witnesses.

Direction to peace officers.

Procedure.

24. A Judge or Justice of the Peace acting in respect of any inquiry herein directed to be made, shall have the like authority for compelling the attendance of witnesses as a Justice would have under any Act in force respecting summary convictions, and may give directions to any constable or peace officer; and every constable and peace officer is hereby required to obey the same in like manner; and all the provisions of the said Acts as to procedure under the same shall, as nearly as may be, apply to proceedings under this Act, unless where different provisions are herein made. R. S. O. 1877, c. 220, s. 24.

Person committed to remain in gaol till removed or discharged.

25. Every person committed as an insane and dangerous person under this Act shall remain in confinement in the gaol mentioned in the warrant until he is thence removed to some asylum or other place of safe keeping by direction of the Lieu-

tenant-Governor, or until an order for his discharge is made by the Lieutenant-Governor, or until he is discharged under the provisions of section 30. R. S. O. 1877, c. 220, s. 25.

INSANE CONVICTS.

26. The Lieutenant-Governor upon such evidence of the insanity of any person imprisoned for an offence under the authority of any of the statutes of this Province, or imprisoned for safe custody, charged with such an offence as the Lieutenant-Governor considers sufficient, may order the removal of such insane person to an asylum for the insane; and such person shall remain there, or in such other asylum, or other place of safe keeping, as the Lieutenant-Governor may from time to time order, until his complete or partial recovery, or until other circumstances justifying his discharge from such asylum or place are certified to the satisfaction of the Lieutenant-Governor, who may then order such person back to imprisonment if then liable thereto, or otherwise to be discharged. R. S. O. 1877, c. 220, s. 26.

Removal of prisoners from gaols to asylums.

27. The Judge, Deputy or Junior Judge of the County Court of the county in the common gaol of which any person imprisoned for an offence is confined, and which person is, in the opinion of the gaol surgeon, insane, may, and if required by any regulations, approved by the Lieutenant-Governor in Council, made respecting the admission of patients into asylums for insane persons, shall, as soon as conveniently may be, cause to be made in respect of such prisoner inquiries similar to those directed to be made by sections 19 and 20 of this Act; and in case there is no Deputy or Junior Judge for any such County Court, and the Judge is absent from the county or is unable to act, then the said inquiries may be made by such Justice of the Peace as may be requested by the said County Court Judge to act in his stead in this behalf. R. S. O. 1877, c. 220, s. 27.

Inquiries as to property, etc., of a person in gaol.

28. The provisions of sections 23 and 24 of this Act shall apply to inquiries made under the preceding section. R. S. O. 1877, c. 220, s. 28.

Sections 23 and 24 to apply to examinations under s. 27.

29. Where the Judge of the County Court, or the Junior or Deputy Judge, or the Justices acting for such Judge, and the medical practitioners, upon making a personal examination of a person committed to gaol as insane, do not agree in opinion as to whether the person so committed is or is not insane, they, or any of them, may again examine such person and may grant a new certificate, if upon such further examination they change their opinion as to the mental condition of such person. 46 V. c. 30, s. 5.

Where examiners do not agree as to the mental state of a person committed as insane a second examination may be made.

DISCHARGE.

Discharge,
how obtained.

30. If the Judge of the County Court of the county, or the Deputy or Junior Judge, or if there is no such Deputy or Junior Judge, and the said County Court Judge is absent from the county or unable to act, then if such other two Justices of the Peace as may be authorized by the said Judge to act in his stead in this behalf certify (Form E) that he or they has or have personally examined a prisoner committed under the sections of this Act from 12 to 26 inclusive, and that he or they is or are satisfied that such prisoner is not insane, or that such prisoner, though insane, is not dangerous to be at large, and is not, in the opinion of such Judge or Justices, a proper person to be confined in an asylum for the insane, and if two medical practitioners (of whom the gaol surgeon shall be one), each separately from the other, personally examine the prisoner, and certify in like manner (Form F), then, in either of such cases the prisoner shall be forthwith discharged by the keeper of the gaol in which the prisoner is confined. R. S. O. 1877, c. 220, s. 29.

Discharge of
person certi-
fied as insane
under s. 33.

31. Where the insanity of any person committed under the warrant of any Justice or Justices of the Peace to a gaol as insane, has been duly certified under section 33 of this Act, and the gaol surgeon afterwards certifies that such person has recovered and may be safely discharged, the sheriff shall direct the keeper of the gaol to discharge such person from custody under the said warrant, and such person shall be discharged accordingly. 46 V. c. 30, s. 6.

Discharge by
Lt.-Governor
or medical su-
perintendent.

32. Persons confined by virtue of this Act may be discharged by the Lieutenant-Governor or by the medical superintendent, under such regulations as may by the Lieutenant-Governor in Council be made in that behalf. R. S. O. 1877, c. 220, s. 35.

REMOVAL TO AN ASYLUM.

Certificate of
insanity by
Justices and
medical men,
committal
thereon to
asylum.

33.—(1) In case the said medical practitioners duly certify (Form G) that they have personally examined such prisoner as aforesaid, and that he is insane, and a proper person to be confined in an asylum for the insane, and in case the said examining Judge or Justices duly certify (Form H) that they have personally examined such prisoner as aforesaid, and that from such examination and from the evidence adduced before him or them, he or they is or are of opinion that the prisoner is insane and a proper person to be confined in an asylum for the insane, the Lieutenant-Governor, upon receipt of such certificates, may, through the Provincial Secretary, direct that the prisoner shall be removed to such asylum for the insane, or other place of safe custody, as may by the Lieutenant-Governor be deemed fit.

(2) Each medical practitioner signing a certificate under this section shall specify therein the facts upon which he has formed his opinion. R. S. O. 1877, c. 220, s. 30.

34. An order for the removal of any insane person, imprisoned or confined under any warrant or order of a Justice of the Peace, may be made by the Lieutenant-Governor, notwithstanding any irregularity or insufficiency in the warrant or order under which such person is imprisoned or confined. R. S. O. 1877, c. 220, s. 31. Order for removal.

35. Every person so removed, as mentioned in section 33, or already removed, or in custody by authority of the Lieutenant-Governor, in any asylum for the insane, shall remain subject to the custody of the officers and other persons in charge of such asylum or other proper place to which such prisoner has been removed, or in which he is in custody by virtue of any like order, until the discharge of such prisoner is directed by the Lieutenant-Governor. R. S. O. 1877, c. 220, s. 32. Custody of person committed to asylum, etc., till discharged.

36. Upon its appearing to the Lieutenant-Governor that any insane person confined as aforesaid in any gaol, or in any asylum for the insane, has come or been brought to this Province from some other Province or country, within thirty days prior to his committal to such gaol or asylum, or any other gaol or asylum, it shall be lawful for the Lieutenant-Governor, by his warrant, to authorize the removal of such insane person back to the Province or country from whence he has come or been brought, as aforesaid. R. S. O. 1877, c. 220, s. 33. Lt. Governor may in certain cases return an insane non-resident of Ontario to the country from whence he came.

37. The expenses of the inquiries directed by this Act to be made, and of conveying any insane person from any gaol to an asylum for the insane, shall be paid by the county, city or separate town in which the insane person has been apprehended; but if the insane person had not prior to his being apprehended resided in such county, city or separate town for the period of one year, but had resided for that period in some other county, city or separate town in this Province, then such expenses may be recovered back by the county, city or separate town in which the insane person was apprehended from the county, city or separate town in which the insane person had last resided for the period of a year; or if the insane person, although he had resided for the period of one year in the county, city or separate town in which he was apprehended, had since such residence been resident for the period of one year in some other county, city or separate town in this Province, then in like manner such expenses may be recovered by the county, city or separate town in which the insane person was apprehended from the county, city, or separate town in which the insane person last resided for the period of one year. R. S. O. 1877, c. 220, s. 34. Expenses of inquiries, and conveyance to asylum, how to be borne.

ESCAPE AND RECOMMITTAL.

Apprehension
on escape from
asylum.

38. In case an inmate of an asylum for the insane escapes therefrom, it shall be lawful for any of the officers or servants of the asylum, or for any other person or persons, at the request of such officers or servants, or any of them, within forty-eight hours after such escape where no warrant has been issued, and within one month after such escape where a warrant (Form I,) has been issued by the medical superintendent in that behalf, to retake such escaped person, and to return him to the asylum from whence he escaped, and he shall remain in custody therein under the authority by virtue of which he was detained prior to the escape. R. S. O. 1877, c. 220, s. 36.

Medical super-
intendent of
asylum may
give over
patient to cus-
tody of his
friends.

39. In case the medical superintendent of any asylum considers it conducive to the recovery of any of the persons confined in the asylum that such person should be committed for a time to the custody of his friends, the medical superintendent may allow such person to return on trial to his friends, upon receiving a written undertaking by one or more of the friends of such person, that he or they will keep an oversight over such person. R. S. O. 1877, c. 220, s. 37.

Cases of im-
prisonment
for offences
excepted.

40. Nothing in the preceding section contained shall be construed to authorize the temporary discharge of any person who has been imprisoned for an offence, and the period of whose sentence has not expired. R. S. O. 1877, c. 120, s. 38.

Recommittal
to asylum
from custody
of friends.

41. In case, within six months from such temporary discharge on trial, the insane person again becomes dangerous to be at large, it shall be lawful for the medical superintendent by whom the insane person was so discharged, by his warrant (Form K) directed to any person or persons, or to any constable or peace officer, or to all constables or peace officers, to authorize and direct that such insane person be apprehended and brought back to the asylum from which he was temporarily discharged, and such warrant shall be an authority to any one acting thereunder to apprehend the person named therein and to bring him back to the said asylum. R. S. O. 1877, c. 220, s. 39.

MAINTENANCE OF LUNATICS.

Copy of certi-
ficate of ad-
mission, and
of amounts
required for
maintenance,
to be sent to
parents, etc.

42. Where a lunatic sent to any asylum is under the age of twenty-one years, and has a father or mother able to pay for his maintenance, or a guardian or committee, it shall be the duty of the bursar and medical superintendent to send a copy of the certificate mentioned in sections 7 to 9, or of the order of the Lieutenant-Governor (as the case may be), attested under their hands, to the father or mother, guardian or committee (as the case may be) of the lunatic, to which copy the said medical superintendent and bursar shall subscribe a certificate

of the admission of the lunatic, and of the amount which will become due for him, each quarter, to the asylum, by the regulations of the asylum made in that behalf. R. S. O. 1877, c. 220, s. 40.

43. It shall be lawful for the bursar, conjointly with the medical superintendent, on the 1st day of each of the months of January, April, July and October, and during the time the lunatic remains in the asylum, to demand from the father or mother, guardian or committee (as the case may be) of the lunatic, such sum as may be due for the lunatic to the asylum, which sum shall be forthwith paid on such demand. R. S. O. 1877, c. 220, s. 41.

Liability for maintenance of lunatic.

44. On the first of the said quarter days after the admission of the lunatic, the demand shall be for a sum proportionate to the broken period elapsed since the admission of the lunatic, and on the discharge of the lunatic a like demand shall be made for the sum due for the broken period since the then last quarter day. R. S. O. 1877, c. 220, s. 42.

Proportion for broken periods of a quarter.

45. In case of refusal or neglect to pay the same, the said bursar may apply to the County Judge of the county in which the father or mother, guardian or committee, resides, upon affidavit, and if the Judge, on the return of a rule which he shall make upon the proper party, to shew cause, is satisfied that the father or mother of the lunatic is able to pay for his maintenance as aforesaid, or that the guardian or committee is able to pay for the same out of property in his possession belonging to the lunatic, the bursar shall be entitled to an order for the payment of the amount then due and the costs, and a writ of execution may issue thereon in like manner as upon a judgment of the said Court for such amount. R. S. O. 1877, c. 220, s. 43.

Order for payment for maintenance.

46. The Judge, after hearing the parties and their witnesses under oath, either orally or in writing by affidavit, may make the order herein referred to, or if he thinks fit, may direct an issue to be made up and tried before a jury previous to making such order. R. S. O. 1877, c. 220, s. 44.

Judge may make an order for maintenance or direct an issue.

47. Any person who is confined in any asylum for the insane, and who has at the time that he is placed in confinement, or who subsequently thereto, comes into the possession of property, shall be liable for his maintenance while in such asylum; and any person whose wife is confined in any asylum for the insane shall be liable for her maintenance while confined therein; and the inspector of prisons and public charities may, by his name of office, recover the amounts owing in respect of such maintenance; but it shall not be the duty of the inspector to enforce payment in accordance with such liability, unless upon inquiry, regard being had to the claims

Maintenance, liability for.

Maintenance of married woman, liability of husband.

of persons having a moral or legal right to maintenance out of the estate of such insane person, the inspector considers that the claim for maintenance ought to be collected. R. S. O. 1877, c. 220, s. 45.

When property of a lunatic may be taken possession of to pay for maintenance.

48. If a lunatic, upon or at any time after his admission into any asylum, possesses or becomes possessed of or entitled to any real or personal property whereby the expenses of his maintenance in the asylum or any part thereof can be paid, and has no guardian or committee lawfully appointed to take the care or management of the same for the benefit of the lunatic, then if any sum due for the maintenance of the lunatic in the asylum is not paid on demand, or there is no one of whom it can be demanded, and such property, in the opinion of the inspector of prisons and public charities, is more than sufficient or is not required to maintain the family (if any) of the lunatic, the inspector may take possession of such property, or so much thereof as he thinks necessary to pay or to secure the payment of the sum due or to become due for the support and maintenance of the lunatic in the asylum, and he shall have full power over and be competent to manage and appropriate, take or recover possession of, lease, mortgage, sell and convey all or any part of such property in the name of the lunatic, or as his committee under this Act, as fully and effectually to all intents and purposes as the lunatic could or might if of full age and of sound and disposing mind; and notwithstanding the lunatic may have ceased to be an inmate of the asylum, or may have recovered or died, the inspector may complete any lease, mortgage, sale or conveyance in respect of which proceedings have been commenced while the lunatic was confined in the asylum; but no such lease, mortgage, sale or conveyance, shall take place without the concurrence of the Attorney-General of Ontario. R. S. O. 1877, c. 220, s. 46.

Inspector may exercise powers conferred by s. 48, where he deems expedient.

49. The inspector may exercise the powers by the next preceding section conferred upon him if he thinks it expedient so to do, notwithstanding the property of the insane person is not more than sufficient to maintain the family of the lunatic and notwithstanding by reason thereof it is not the intention of the Government to require payment for the maintenance of the lunatic. 43 V. c. 36, s. 3.

Payment by Inspector to family of insane person may be authorized.

50. Where any moneys or other property belonging to the estate of an insane person has been received by the inspector of prisons and public charities, as the statutory committee of such insane person, and the Lieutenant-Governor in Council does not think it fitting on account of the necessities of the family of such insane person to require from the estate of such insane person payment of the amount payable for maintenance, or which, except for the abatement made by such order, would afterwards become payable, the Lieutenant Governor in Council may by order authorize the inspector to pay

over to any member or members of the family of such insane person, or other person or persons dependent upon him, such amount or amounts as it may not be considered proper to claim in respect of his maintenance, and the inspector, as such committee, in respect of every amount so paid, shall be as fully discharged as if he had paid the same for the maintenance of the said insane person in the asylum in which he is or has been confined. 43 V. c. 36, s. 4.

51. Any gift, grant, alienation, conveyance or transfer of any real or personal property made by any person, after having been insane, shall be held to be fraudulent and void, as against the inspector of prisons and public charities, unless the same is made for full and valuable consideration actually paid, or sufficiently secured to such person, or unless the purchaser had no notice of the insanity. R. S. O. 1877, c. 220, s. 47.

Conveyances by insane persons void as against Inspector, unless for value or without notice.

52. If the inspector considers it necessary, in order to secure the payment of the maintenance of the lunatic, or for the interest of the estate of the said lunatic so to do, he may exercise his powers in section 48 given, or any of them, although no sum is overdue for such maintenance. R. S. O. 1877, c. 220, s. 48.

Inspector may deal with property, though nothing due for maintenance.

53.—(1) The inspector of prisons and public charities shall *ex officio*, and by his name of office, be the committee of every lunatic who has no other committee, and who is detained in any public asylum referred to in sections 2 and 3 of this Act, and whether the lunatic is detained under an order from the Lieutenant-Governor or otherwise.

Lunatics of whom the Inspector is the committee.

(2) The High Court may at any time appoint a committee of any such lunatic if such Court considers it expedient so to do, and upon such committee being appointed the inspector shall, while such other committee exercises such office, cease to be the committee of the lunatic, but the inspector upon delivering up the lunatic's estate shall retain so much thereof as may be required to pay any sums then due for maintenance. R. S. O. 1877, c. 220, s. 49.

High Court may appoint another committee.

54. Notwithstanding another committee may have been appointed by the High Court, every act of the inspector of prisons and public charities, as the committee of a lunatic or other insane person, shall be valid and binding upon the estate of such lunatic or other insane person, if done previously to a copy of the order appointing another committee, together with a notice of the persons who have been approved by the Court, as the sureties of such committee, being served upon the inspector. R. S. O. 1877, c. 220, s. 50.

When acts of the Inspector valid as against the committee appointed by the Court.

55. In case any action or other proceeding is brought against a person confined as insane in a public asylum for the insane, it shall not be sufficient in order to bind the estate

Proceedings against persons confined in public asylums.

of such insane person, or to make the proceedings otherwise valid, to serve any process, bill, paper or other document upon the inspector of prisons and public charities, although the inspector is named therein as committee, but the same proceedings shall and may be taken for the appointment of some person or persons to protect the interest of the insane person aforesaid in the action or other proceeding as would be requisite or might be taken if the said inspector was not the committee of the lunatic under this Act. 43 V. c. 36, s. 1.

Proceedings
by Inspector.

56. Nothing contained in this Act shall be construed to make it the duty of the inspector to institute proceedings on behalf of an insane person confined in any public asylum, or to intervene in respect of his estate, but the inspector may institute such proceedings and otherwise intervene in respect of the estate of an insane person confined as aforesaid, who has no other committee of his estate, wherever the inspector considers it expedient in the interest of the estate of the insane person, or necessary in order to secure in the manner least burdensome to the estate of the insane person, moneys due or to become due for his maintenance in an asylum. 43 V. c. 36, s. 2.

Powers of
Inspector as to
estate of de-
ceased in case
he is the com-
mittee at time
of death.

57. In case at the time of the death of an insane person the inspector of prisons and public charities is the committee of such insane person, the said inspector shall, until probate of the will or letters of administration of the estate of the insane person is granted to some other person or persons, and the grant notified to the inspector in writing, continue to have, and may, if he considers it requisite so to do, exercise by his name of office aforesaid the same powers in respect of the real and personal estate of the deceased as an executor and devisee would have in respect of the estate of his testator, in case the same were bequeathed and devised to him in trust for the payment of debts and the distribution of the residue. R. S. O. 1877, c. 220, s. 51.

Inspector
to render
accounts.

58. The inspector shall be liable to render an account as to the manner in which he has managed the property and effects of the lunatic, in the same way and subject to the same responsibilities as any trustee, guardian or committee duly appointed for a similar purpose may be called upon to account, but he shall only be liable for wilful misconduct. R. S. O. 1877, c. 220, s. 53.

Disputes as to
property, how
settled.

59. In all cases mentioned in the preceding eleven sections if doubt or opposition arises as to the right of property, it shall be lawful for the inspector or the person claiming the property to apply to the County Judge of the county in which the property is, to cause an inquisition to be held before such County Judge, and to try and determine, either by himself,

or by a jury when required by either party but not otherwise, the right of property, which such Judge shall accordingly do. R. S. O. 1877, c. 220, s. 54.

60. The costs, charges and expenses which the inspector may incur in respect of the estate of an insane person shall be the first charge upon any moneys coming into the hands of the inspector and belonging to such estate. 43 V. c. 36, s. 5. Costs of Inspector a first charge on estate.

61. The High Court shall, upon any application, made therefor by the inspector, direct to be paid to the inspector from time to time, out of any funds or moneys in Court belonging to the lunatic, the amount payable in respect to charges for maintenance of the lunatic. R. S. O. 1877, c. 220, s. 55. Moneys in Court may be paid to Inspector for maintenance.

62. In case the insanity of any lunatic confined in any of the asylums is of such a nature, and he is possessed of such property, real or personal, as would in the opinion of the medical superintendent justify the supply to the lunatic of greater comfort and attention than are supplied under the ordinary regulations of the asylum, it shall be lawful for the inspector to make any specific regulation in respect thereto as he may deem fitting. R. S. O. 1877, c. 220, s. 56. Inspector may make special order as to comfort of lunatic.

PROVISIONS RESPECTING THE PROPERTY OF INSANE PERSONS IN GAOLS.

63. The inspector of prisons and public charities shall, *ex officio*, and by his name of office, be the committee of the estate of every person, certified in the manner required by section 33 to be insane, who is detained in any gaol or other prison which is under the authority of the Government of this Province, if such person has no other committee lawfully appointed, whether such person has been committed to gaol under this Act, or has been committed for safe custody, or in default of sureties to keep the peace, or is imprisoned upon conviction for any offence, or otherwise howsoever. 48 V. c. 51, s. 1. When inspector to be committee of person certified as insane under s. 33.

64.—(1) The inspector shall have the same authority and power to take or recover possession of, lease, mortgage, sell and convey any property of any insane person of whom he is committee under the preceding section as he has with respect to the property of lunatics of whom he is committee under the other provisions of this Act, and he may, notwithstanding such insane person may have been discharged from gaol, or may have recovered or died, complete any lease, mortgage, sale or conveyance in respect of which proceedings have been commenced while such insane person was confined in gaol. Authority of inspector over property.

(2) No such lease, mortgage, sale or conveyance shall take place without the concurrence of the Attorney-General of Ontario. 48 V. c. 51, s. 2.

Application of
ss. 54, to 61.

65. Sections 54 to 61, inclusive, shall apply to the inspector in his dealings with any such estate referred to in the next preceding two sections and as committee thereof. 48 V. c. 51, s. 3.

SCHEDULE No. 1.

FORM A.

(Section 7.)

CERTIFICATE OF MEDICAL PRACTITIONER IN ORDINARY CASES.

I, the undersigned *C. D.* (*here set forth the qualification or degree of the person certifying : for example, Licentiate of the Medical Board ; M.D. of the University of Toronto, etc.*), a legally qualified medical practitioner, residing and practising at _____, in the County of _____, hereby certify that I, on the _____ day of _____, A. D. 18____, at _____, in the County of _____, separately from any other medical practitioner, personally examined *A. B.*, of (*insert residence and profession or occupation, if any*), and after making due inquiry into all facts in connection with the case of the said *A. B.*, necessary to be inquired into in order to enable me to form a satisfactory opinion, I certify that the said *A. B.* is insane, and is a proper person to be confined in an asylum for the insane [*if the insane person is an idiot add and that the said A. B. is an idiot,*] and that I have formed this opinion upon the following grounds, namely :

1. Facts indicating insanity observed by myself (*here state the facts*).
2. Other facts (*if any*) indicating insanity, communicated to me by others. (*here state the information, and from whom received*).

Signed this _____ day of _____, A. D. 18____, at _____, in the County of _____

Signed in presence of }
F. G. }
H. K. }

R. S. O. 1877, c. 220, Sched. No. 1, Form A.

FORM B.

(Section 13.)

WARRANT FOR APPREHENSION OF DANGEROUS LUNATIC.

Province of Ontario. }
County of _____ }

To all or any of the Constables or other Peace Officers in the said County of _____

Whereas information upon oath has this day been laid before the undersigned, one (*or as the case may be*) of Her Majesty's Justices of the Peace in and for the said County of _____, that *A. B.* is insane, and dangerous to be at large :

These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said *A. B.* and bring him before me (*or us*), or some one or more of Her Majesty's Justices of the Peace in and for the said County, in order that inquiry may be made respecting the sanity of the said *A. B.*, and that he may be further dealt with according to law.

Given under my (*or our*) hand and seal this _____ day of _____, in the year of our Lord _____, at _____, in the County of _____

[L. S.]

R. S. O. 1877, c. 220, Sched. No. 1, Form B.

FORM C.

(Section 14.)

WARRANT OF COMMITTAL FOR SAFE CUSTODY PENDING INQUIRY.

Province of Ontario, }
County of _____ }

To all or any of the Constables or Peace Officers in the County of _____,
and to the keeper of the Common Gaol (or Lock-up House) at _____.

Whereas on the _____ day of _____ last past, information upon oath was laid before me (*or us*) _____, one (*or as the case may be*) of Her Majesty's Justices of the Peace in and for the said County of _____, that *A. B.* is insane, and dangerous to be at large ; and whereas the hearing of the same is adjourned to the _____ day of _____, at _____ o'clock in the (*fore*) noon, at _____, and it is necessary that the said *A. B.* should in the meantime be kept in safe custody :

These are therefore to command you or any of you, the said Constables or Peace Officers, in Her Majesty's name, forthwith to convey the said *A. B.* to the Common Gaol (*or Lock-up House*) at _____, and there deliver him to the custody of the keeper thereof, together with this precept : And I hereby require you the said keeper to receive the said *A. B.* into your custody in the said Common Gaol (*or Lock-up House*), and there safely keep him until the _____ day of _____ (instant), when you are hereby required to convey and have him the said *A. B.* at the time and place to which the said hearing is so adjourned as aforesaid, before such Justice or Justices of the Peace for the said County as may then be there to make further inquiry respecting his sanity, and to be further dealt with according to law.

Given under my (*or our*) hand and seal this _____ day of _____ in the year of our Lord, _____, at _____, in the County aforesaid.

[L. S.]

R. S. O. 1877, c. 220, Sched. No. 1, Form C.

FORM D.

(Section 17).

FINAL WARRANT OF COMMITTAL.

Province of Ontario, }
 County of }

To all or any of the Constables or other Peace Officers in the County of
 , and to the keeper of the Common Gaol of the County of
 , at , in the county aforesaid.

Whereas information was laid before me (*or us*), one (*or as the case may be*) of Her Majesty's Justices of the Peace for the said County of ,
 on the oath of , that *A. B.* was insane and dangerous to
 be at large : and whereas inquiry has been made by me (*or us*) respecting
 the sanity of the said *A. B.* : and whereas I (*or we*) have found and adjudged
 the said *A. B.* to be insane and dangerous to be at large :

These are therefore to command you, the said Constables or other Peace
 Officers, or any of you, to take the said *A. B.* and him safely convey to the
 Common Gaol at aforesaid, and there deliver him to the
 keeper thereof, together with this precept ; and I do hereby command
 you, the keeper of the said Common Gaol, to receive the said *A. B.* into
 your custody in the said Common Gaol, and there safely keep him until
 the pleasure of the Lieutenant-Governor be known, or until he be discharged
 by law.

Given under my or our hand and seal this day of
 in the year of our Lord 18 , at , in the county aforesaid.
 [L. S].

R. S. O. 1877, c. 220, Sched. No. 1, Form D.

FORM E.

(Section 30.)

CERTIFICATE OF JUDGE OR JUSTICE WHEN PRISONER IS NOT FIT FOR AN
 ASYLUM.

Province of Ontario, }
 County of }

I, the undersigned *C. D.*, Judge of the County Court of the County of
 (*or we E. F. and G. H.*, Esquires, two of Her Majesty's
 Justices of the Peace for the County of , who have been re-
 requested by *C. D.*, Esquire, Judge of the County Court of the said County,
 to act in his stead in this matter) do hereby certify that I (*or we*) have
 on this day of , A.D. 18 , personally examined *A. B.*,
 an inmate of the Gaol of the said County of , and I (*or we*)
 do hereby further certify that I am (*or we are*) satisfied that the said *A.*
B. is not insane (*or that the said A. B.*, though insane is not dangerous to
 be at large) ; and is not in my (*or our*) opinion a fit person to be confined
 in an Asylum for the Insane.

Signed this day of , A. D. 18 , at , in the
 County of .

R. S. O. 1877, c. 220, Sched. No. 1, Form E.

FORM F.

(Section 30.)

CERTIFICATE OF MEDICAL PRACTITIONER WHERE PRISONER IS NOT FIT FOR AN ASYLUM.

I, the undersigned *C. D.* (*here set forth the qualification or degree of the person certifying: for example, Licentiate of the Medical Board; M. D. of the University of Toronto, etc.*), a legally qualified medical practitioner, residing and practising at _____, in the County of _____, do hereby certify that I, on the _____ day of _____, A.D. 18____, at _____, in the County of _____, separately from any other medical practitioner, personally examined *A. B.*, an inmate of the Common Gaol of the County of _____, and I further certify that I am satisfied that the said *A. B.* is not insane (*or that the said A. B., though insane, is not dangerous to be at large*), and is not in my opinion a fit person to be confined in an Asylum for the Insane.

Signed this _____ day of _____, A.D. 18____, at _____ in the County of _____.

R. S. O. 1877, c. 220, Sched. No. 1, Form F.

FORM G.

(Section 33.)

CERTIFICATE OF MEDICAL PRACTITIONER WHERE PRISONER IS INSANE.

I, the undersigned *C. D.* (*here set forth the qualification or degree of the person certifying: for example, Licentiate of the Medical Board; M. D. of the University of Toronto, etc.*), a legally qualified medical practitioner, residing and practising at _____, in the County of _____, do hereby certify that I, on the _____ day of _____, A.D. 18____, at _____, in the County of _____, separately from any other medical practitioner, personally examined *A. B.*, an inmate of the Common Gaol of the County of _____, and I further certify that the said *A. B.* is insane, and is a proper person to be confined in an Asylum for the Insane; and that I have formed this opinion upon the following grounds, namely: (*here state the facts upon which the certificate is based.*)

Signed this _____ day of _____, A.D. 18____, at _____, in the County of _____.

R. S. O. 1877, c. 220, Sched. No. 1, Form G.

FORM H.

(Section 33.)

CERTIFICATE OF JUDGE OR JUSTICE WHEN PRISONER IS INSANE.

Province of Ontario, }
County of _____ }

I, the undersigned *C. D.*, Judge of the County Court of the County of _____ (*or we E. F. and G. H., Esquires, two of Her Majesty's Justices of the Peace for the County of _____*), who have been re-

quested by *C. D.*, Esquire, Judge of the County Court of the said County, to act in his stead in this matter), do hereby certify that I (*or we*) have on this day of , A.D. 18 , personally examined *A. B.*, an inmate of the Gaol for the said County of , and I (*or we*) do hereby further certify that from such personal examination, and from the evidence adduced thereon, I (*or we*) am (*or are*) of opinion that the said *A. B.* is insane, and that the said *A. B.* is a proper person to be confined in an Asylum for the Insane.

Signed this day of , A.D. 18 , at , in the County of .

R. S. O. 1877, c. 220, Sched. No. 1, Form H.

FORM I.

(Section 38.)

WARRANT TO RETAKE ESCAPED PATIENT.

Asylum for the Insane at
To , and all or any of the Constables
or Peace Officers in the County of

Whereas on the day of last past, being within one month from this date, *A. B.*, an insane person confined in the Asylum for the Insane at , of which I (*name*) am Medical Superintendent, did escape from the said Asylum :

These are therefore to command you or any of you the said Constables or Peace Officers, in Her Majesty's name, to retake the said *A. B.*, and safely convey him to this Asylum and deliver him into my charge.

Given under my hand and seal this day of ,
in the year of our Lord , at in the County aforesaid.

[L. S.]

R. S. O. 1877, c. 220, Sched. No. 1, Form I.

FORM K.

(Section 41).

WARRANT TO RETAKE PROBATIONARY PATIENTS.

Asylum for the Insane at
To , and all or any of the Constables
or Peace Officers in the County of

Whereas on the day of last past, being within six months of this date, *A. B.*, an insane person confined in the Asylum for the Insane at , was allowed by me, *C. D.*, the Medical Superintendent of the said Asylum, to return on trial to the care of his friends; and whereas it appears to me from information received by me, that the said *A. B.* has again become dangerous :

These are therefore to command you or any of you the said Constables or Peace Officers, in Her Majesty's name, to retake the said *A. B.*, and safely convey him to this Asylum and deliver him into my charge. |

Given under my hand and seal this day of , in the
year of our Lord , at , in the County aforesaid.

[L. S.]

R. S. O. 1877, c. 220, Sched. No. 1, Form K.

SCHEDULE No. 2.

INFORMATION TO BE ELICITED UPON INQUIRY.

(Sections 19 and 20.)

1. The names in full and age of prisoner.
2. Occupation, religion and country.
3. Whether married or single; and if single, whether ever married.
4. How many children, if any.
5. Address of parents or nearest relatives; and in case of such relatives how connected.
6. How long prisoner has been insane.
7. Duration of the present attack, and whether the first.
8. How the insanity first shewed itself, and the supposed causes.
9. Whether any delusions, and if so, what they are.
10. Whether the prisoner is suicidal or dangerous to others.
11. Whether any offence has ever been committed by the prisoner, and whether the prisoner has been convicted of the same, with all particulars.
12. Whether the prisoner is subject to epilepsy or paralysis.
13. Whether any of the other members of the prisoner's family have suffered in a similar way, and whether the prisoner has ever been in an asylum, and if so when and where.
14. What have been the habits of the prisoner as to temperance, industry and general conduct, and in what manner they have changed—whether the change has been recent, gradual or sudden.
15. Whether the prisoner has been subject to any bodily ailments, and if so, their nature.
16. Degree of education of prisoner, and any other information that will in the opinion of the Justice or Justices aid the Medical Superintendent in the treatment of the case.
17. Whether the prisoner is idiotic, imbecile or incurable.
18. Whether the friends of the prisoner, or any of them, if such there be, are able to contribute to the maintenance of the prisoner while in an asylum, and which, if any, of such friends, and how much they, or any of them, can contribute.
19. The information required by section 19 of this Act.

R. S. O. 1877, c. 220, Sched. No. 2.

See Revised Statutes of Canada, 1886, Chapter 182, Sections 70, 71, 72, 73, 74, as regards the removal of insane convicts from the Penitentiary whose sentences have expired.

CHAPTER 246.

An Act respecting Private Lunatic Asylums.

INTERPRETATION, s. 1.	INSPECTION BY BOARD OF VISITORS, ss. 50-58.
LICENSE HOW OBTAINED, ss. 2-7.	DISCHARGE OF PATIENTS, ss. 59-67.
BOARD OF VISITORS, ss. 8-15.	INFORMATION TO BE GIVEN ON IN- QUIRY, s. 68.
REMOVAL OF SUPERINTENDENT, s. 16.	ORDER FOR ADMISSION, ss. 69-71.
FEES FOR LICENSES, ss. 17-19.	MISCELLANEOUS PROVISIONS, ss. 72-78.
ALTERATION OF LICENSED PREMISES, ss. 20, 21.	PROSECUTION AND PENALTIES, ss. 79- 86.
TRANSFER OF LICENSE, ss. 22, 23.	APPEALS, ss. 87, 88.
REMOVAL TO OTHER PREMISES, ss. 24, 25.	LIMITATION OF ACTIONS, s. 89.
REVOCATION OF LICENSE, ss. 26-28.	DEFENCE IN ACTIONS, ss. 90, 91.
ADMISSION OF PATIENTS, ss. 29-41.	PROSECUTIONS BY BOARD OF VISITORS, ss. 92-96.
PROCEDURE IN CASE OF ESCAPE, s. 42.	ADMISSION OF INEBRIATES, ss. 97-108.
PROCEDURE IN CASE OF REMOVAL OR DISCHARGE, ss. 43-44.	INSPECTION, s. 109.
REMEDY IN CASE OF ILLEGAL CON- FINEMENT, s. 45.	APPLICATION OF ACT, s. 110.
MEDICAL ATTENDANCE, ss. 46-49.	

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpreta-
tion.

1. Where the words following occur in this Act or in the schedules thereto they shall be construed in the manner hereinafter mentioned unless a contrary intention appears :

“Inspector.”
Rev. Stat. c.
250.

1. “Inspector” shall mean the inspector appointed under *The Prison and Asylum Inspection Act*.

“Private
Asylum.”

2. “Private Asylum” shall mean a house licensed under the provisions of this Act, and “house” and “licensed house” shall include a private asylum ; 46 V. c. 28, s. 1.

“County.”

3. “County” shall mean a county or union of counties, or a city or town having a separate Commission of the Peace ;

“Lunatic.”

4. “Lunatic” shall mean every insane person, and every person being an idiot or lunatic or of unsound mind ;

“Patient.”

5. “Patient” shall mean every person received or detained as a lunatic, or taken care or charge of as a lunatic ;

“Proprietor.”

6. “Proprietor” shall mean every person to whom any license is granted under the provisions of this Act, and every person keeping, owning or having any interest or exercising any duties or powers of a proprietor in any licensed house ;

7. "Clerk of the Peace" shall mean every clerk of the Peace and person acting as such, and every deputy duly appointed; "Clerk of the Peace."

8. "Justice" shall mean a Justice of the Peace;

"Justice."

9. "Medical Attendant" shall mean every physician who keeps any licensed house, or in his medical capacity attends any licensed house; "Medical Attendant."

10. "Physician" shall mean every person of the male sex authorized to practise medicine, surgery or midwifery in this Province; "Physician."

11. "Licensed house" shall mean a house licensed under the provisions of this Act. R. S. O. 1877, c. 221, s. 1. "Licensed House."

LICENSE, HOW OBTAINED, ETC.

2. When the proprietor of a private asylum desires to obtain a license for such private asylum under the provisions of this Act, he shall give notice thereof to the inspector. 46 V. c. 28, s. 2. Proprietors of asylum desiring license to notify Inspector.

3. The notice shall contain the true Christian name and surname, place of abode, and occupation of the person to whom the license is desired to be granted, and a true and full description of his estate or interest in such house; and in case the person to whom the license is desired to be granted, does not propose to reside himself in the licensed house, the notice shall contain the true Christian name and surname, place of abode and occupation of the superintendent who is to reside therein. R. S. O. 1877, c. 221, s. 19. Contents of notice.

4. The notice shall be accompanied by a plan of the house, drawn upon a scale of not less than one-eighth of an inch to a foot, with a description of— Plan of the house, etc.

1. The situation thereof;

Its situation.

2. The length, breadth and height of, and a reference by a figure or letter, to every room and apartment therein;

Size of room.

3. A statement of the quantity of land, not covered by any building, annexed to such house, and appropriated to the exclusive use, exercise and recreation of the patients proposed to be received therein; and Extent of grounds.

4. Also a statement of the number of patients proposed to be received into such house, and whether the license so applied for is for the reception of male or female patients, or of both, and if for the reception of both, of the number of each sex proposed to be received in such house, and of the means by which the one sex may be kept distinct and apart from the other. R. S. O. 1877, c. 221, s. 20. Number of patients provided for.

Time notice to be sent to Inspector.

5.—(1) The notice, with the plan and statement required by the next preceding section shall be sent to the inspector at least two weeks before the private asylum is ready for the reception of patients.

Inspector to report to Lieutenant-Governor.

(2) The inspector shall thereupon visit the proposed private asylum and minutely inspect the same, and report thereon to the Lieutenant-Governor in Council. 46 V. c. 28, s. 3.

License to proprietors.

6. If the inspector reports that the buildings and premises referred to in the said notice are ready and fit for occupation as a private asylum for the insane, the Lieutenant-Governor in Council may issue a license to the proprietors to keep and maintain the same for the purposes of a private asylum; and such license shall continue in force until revoked by the Lieutenant-Governor in Council. 46 V. c. 28, s. 4.

Securities by licensee.

7. No such license shall be granted unless the person to whom the license is granted enters into a bond to Her Majesty in the sum of \$400, with two sufficient sureties, each in the sum of \$200, or one sufficient surety in the sum of \$400, under the usual conditions for the good behaviour of such person during the time for which the license continues in force. R. S. O. 1877, c. 221, s. 23; 46 V. c. 28, s. 4.

BOARD OF VISITORS.

Board of Visitors.

8.—(1) Every private asylum or house licensed under the provisions of this Act shall be under the supervision and inspection of a board of visitors, composed of the Judge (or in the case of his absence or disqualification the Junior or Deputy Judge) of the County Court of the county wherein the private asylum is located, the warden of the county for the time being, the clerk of the Peace for the county, together with a local physician, who shall be appointed by the Lieutenant-Governor in Council, and shall hold office for three years unless sooner removed by the Lieutenant-Governor.

Chairman.

(2) The Judge shall be the chairman of the board, and the clerk of the peace shall be its secretary.

Allowance to secretary.

(3) The secretary shall be paid out of the license fees, or by the proprietors of the asylum, such allowance for his services as the Lieutenant-Governor in Council may direct. 46 V. c. 28, s. 5.

Visitors not to have a pecuniary interest in any asylum.

9.—(1) No member of the board of visitors shall be pecuniarily interested in any private asylum, either directly or indirectly and any visitor who, after his appointment, becomes interested in any private asylum, either by profits as proprietor, or by the sale of merchandise to such an asylum, or in any other way, shall thereupon become disqualified from acting, and shall not thereafter act in such capacity.

(2) In case a Judge or clerk of the peace is or becomes so disqualified, the Lieutenant-Governor may appoint some one to act in his stead; and in case a warden is or becomes so disqualified, the county council may appoint some one to act in his stead. 46 V. c. 28, s. 6.

Appointment in case of disqualification of official visitor.

(3) If an assistant-secretary to any board after his appointment becomes so interested he shall be disqualified from acting, and shall cease to act in such capacity. R. S. O. 1877, c. 221, s. 16.

Assistant-secretary becoming interested to be disqualified.

10.—(1). The visitors shall, before acting, take an oath to the following effect:

Oath of visitors.

"I A. B. do swear that I will discreetly, impartially and faithfully execute all the trusts and powers committed to me by virtue of the Act entitled *An Act respecting Private Lunatic Asylums*, and that I will keep secret all such matters as come to my knowledge in the execution of my office, except when required to divulge the same by legal authority, or so far as I feel myself called upon to do so for the better execution of the duty imposed upon me by the said Act."

(2) The oath may be administered by any Justice of the Peace to the clerk of the peace, who may then administer the same to the other members of the board. 46 V. c. 28, s. 8.

By whom administered.

11. The secretary shall summon the board of visitors to meet for the purpose of executing the duties of this Act. R. S. O. 1877, c. 221, s. 8; 46 V. c. 28, s. 5.

Meeting of Visitors to be called.

12. Every such appointment, summons and meeting shall be made and held as privately as may be, and in such manner that no proprietor, superintendent or person interested in or employed about or connected with any house to be visited, has notice of such intended visitation. R. S. O. 1877, c. 221, s. 9.

Visitors' meetings to be private.

13.—(1) If the secretary at any time, desires to employ an assistant in the execution of the duties of his office, he shall certify such desire, and the name of the proposed assistant to one of the other members of the board of visitors, being a Justice of the Peace, and if such member approves thereof, he shall administer the following oath to such assistant:

Assistant Clerk.

"I, A. B., do solemnly swear that I will faithfully keep secret all such matters and things as come to my knowledge in consequence of my employment as assistant to the Secretary of the Board of Visitors, appointed for the County of _____ by virtue of *The Act respecting Private Lunatic Asylums*, unless required to divulge the same by legal authority: So help me God."

Oath of.

(2) The secretary may thereafter, at his own cost, employ such assistant. R. S. O. 1877, c. 221, s. 13.

At whose cost.

14. No physician being a member of the board of visitors shall sign any certificate for the admission of any patient into any licensed house or hospital, or shall professionally attend

Restrictions upon physicians being visitors.

upon any patient in any licensed house or hospital unless he is directed to visit such patient by the person upon whose order such patient has been received into such licensed house or hospital, or by the Provincial Secretary, or one of the Judges of the High Court or by a committee appointed by one of the said Judges. R. S. O. 1877, c. 221, s. 15.

Penalty on
physicians.

15. If a physician, being a member of the board of visitors, signs a certificate for the admission of a patient into any licensed house or hospital, or professionally attends a patient in such house or hospital (except as aforesaid), such physician shall for each offence forfeit the sum of \$200. R. S. O. 1877, c. 221, s. 17.

Removal of Superintendent.

Removal of
Superinten-
dent.

16. Any person to whom a license is granted may remove the superintendent named in the notice, and may at any time appoint another superintendent, upon giving to the board of visitors a notice containing the true Christian name and surname, place of abode and occupation of the new superintendent. R. S. O. 1877, c. 221, s. 24.

Fees for Licenses.

Fees thereon.

17. For every license there shall be paid to the clerk of the peace, for every patient proposed to be received into such house, the sum of \$2; and if the total amount of such sums of \$2 does not amount to \$60, then so much more as together therewith will make up the sum of \$60, and no such license shall be delivered until the sum payable for the same has been paid. R. S. O. 1877, c. 221, s. 30.

Application
of fees.

18. All moneys to be received for licenses granted under this Act shall be applied towards the payment of the allowance to the secretary for his services and the discharge of the costs, charges and expenses incurred by or under the authority of the board of visitors, in the execution of or by virtue of this Act. R. S. O. 1877, c. 221, s. 32.

Clerk of the
Peace to keep
accounts of
moneys re-
ceived or ex-
pended.

19. The clerk of the peace shall keep an account of all moneys received and paid by him under or by virtue of or in the execution of this Act, and such accounts shall be made up to the last day of December in each year inclusively, and shall be signed by two at least of the members of the board of visitors. R. S. O. 1877, c. 221, s. 33.

ADDITIONS AND ALTERATIONS TO LICENSED PREMISES.

One license for
each house.

20. No one license shall include or extend to more than one house; but if there is any place or building detached from a

house to be licensed, but not separated therefrom by ground belonging to any other person, and if such place or building is specified, delineated and described in the notice, plan and statement hereinbefore required to be given, in the same manner in all particulars as if the same had formed part of such house, then such detached place or building may, if the Lieutenant-Governor in Council thinks fit, be included in the license for the house, and if so included, shall be considered part of such house for the purposes of this Act. R. S. O. 1877, c. 221, s. 25.

21. No addition or alteration shall be made to, in or about any licensed house, or the appurtenances, unless previous notice ^{Alterations in asylums.} in writing of such proposed addition or alteration, accompanied with a plan thereof, to be drawn upon the scale aforesaid, and accompanied by such description as aforesaid, has been given to the inspector, by the person to whom the license has been granted, nor unless the approval of the Lieutenant-Governor in Council has been previously obtained. R. S. O. 1877, c. 221, s. 26.

TRANSFERS AND REMOVALS.

22. If a person to whom a license has been granted under this Act, by sickness, or other sufficient reason, becomes incapable of keeping the licensed house, or dies before the expiration of the license, the Lieutenant-Governor in Council may authorize the transfer of the license, with all the privileges and obligations annexed thereto for the term then unexpired, to the person who at the time of such incapacity or death was the superintendent of such house, or had the care of the patients therein, or to such other person as the Lieutenant-Governor in Council may approve, and in the meantime the license shall remain in force, and have the same effect as if granted to the superintendent of the house. ^{When license assignable.} R. S. O. 1877, c. 221, s. 34; 46 V. c. 28, s. 9.

23. In case a license has been granted to two or more persons, and one or more of such persons die, leaving the other or others surviving, the license shall remain in force and have the same effect as if granted to the survivor or survivors. ^{Survivorship.} R. S. O. 1877, c. 221, s. 35.

24.—(1) If a licensed house is pulled down or occupied under the provisions of any statute, or is by any *vis major*, or by fire, tempest or other accident, rendered unfit for the accommodation of lunatics or if the person keeping such house desires to transfer the patients to another house, the Lieutenant-Governor in Council, may grant to the person whose house has been so pulled down, occupied or rendered unfit as aforesaid, or who desires to transfer his patients as aforesaid, license to ^{Removal to other premises.}

keep such other house for the reception of lunatics, for such time as the Lieutenant-Governor in Council thinks fit; but the same notice of such intended change of house, and the same plans and statements and descriptions of and as to such intended new house, shall be given as are required when application is first made for license for any house, and shall be accompanied by a statement in writing of the cause of such change of house. R. S. O. 1877, c. 221, s. 36, *part*; 46 V. c. 28, s. 4.

(2) A fee of \$4 shall be payable by the licensee to the clerk of the peace upon the issue of the license. R. S. O. 1877, c. 221, s. 36, *part*.

Notice of intended removal.

25. Except in cases in which the change of house is occasioned by fire or tempest, seven clear days' previous notice of the intended removal, shall be sent by the person to whom the license for keeping the original house was granted to the person who signed the order for the reception of each patient, or the person by whom the last payment on account of each patient had been made. R. S. O. 1877, c. 221, s. 36, *part*.

REVOCATION OF LICENSES.

Revocation of license.

26. In case a majority of the Justices of any county, in General Sessions assembled, resolve to recommend to the Lieutenant-Governor the revocation of any license granted under this Act, such Justices shall cause to be given to the person licensed, or to the resident superintendent of the licensed house, or to be left at the licensed house, seven clear days' previous notice in writing of the intended recommendation. R. S. O. 1877, c. 221, s. 37.

When the Lieutenant-Governor may revoke.

27. Upon the receipt of such recommendation the Lieutenant-Governor in Council may revoke such license; and in the case of a revocation, the same shall take effect at a period to be named in the Order in Council not exceeding two months from the time a copy or notice thereof has been published in the *Ontario Gazette*. R. S. O. 1877, c. 221, s. 38.

How revocation notified and promulgated.

28. A copy or notice of the Order in Council shall be transmitted to the person licensed or to the resident superintendent of, or be left at the licensed house, after which the same shall be published in the *Ontario Gazette*. R. S. O. 1877, c. 221, s. 39. *As to revocation on report of Inspector of Prisons and Public Charities, see Cap. 250, s. 18.*

ADMISSION OF PATIENTS.

Orders for admission of patient.

29. No person, whether being or represented to be a lunatic, or only a boarder or lodger, in respect of whom any money is received or agreed to be received for board, lodging or any

other accommodation, shall be received into or detained in any licensed house without an order under the hand of some person according to the form, and stating the particulars mentioned in Schedule A, nor without the medical certificates, according to the Form of Schedule B, of two physicians not being partners or brothers, or father and son, and each of whom separately from the other had personally examined the person to whom it relates not more than fifteen clear days previous to the reception of such person into such house, and each of whom signed and dated the certificate on the day on which such person was so examined. R. S. O. 1877, c. 221, s. 40 ; 48 V. c. 53, s. 4.

Medical Certificates.

30. Every physician who signs such certificate shall specify therein that he has personally examined the person to whom the certificate relates, and that from such examination, and from the evidence adduced before him, he is of opinion that such person is a lunatic (or an insane person, or an idiot, or a person of unsound mind) and a proper person to be confined in an asylum, and shall also specify in the certificate the fact or facts and the evidence adduced before him which led to such opinion, and he shall therein distinguish the facts observed by himself from facts communicated to him by others. 49 V. c. 50, s. 1.

Facts to be certified.

31. A medical superintendent of a private asylum may admit to and detain therein any patient from any Province of the Dominion of Canada, who is certified to be insane by two physicians duly authorized to practise as such in the Province where such patient has his domicile, provided such certificates of insanity are made in accordance with the requirements of section 29 and Schedule B therein mentioned, but any patient so admitted and detained in a private asylum from any other Province must, within fifteen days of such admission, be examined by one duly qualified physician of the Province of Ontario. 48 V. c. 53, s. 3.

Admission of patients from other provinces.

32. No person shall receive to board and lodge in any house not licensed under this Act, or take the charge or care of any insane person without having first obtained the medical certificates required by this Act for the admission of an insane person into a licensed house. R. S. O. 1877, c. 221, s. 42.

Lunatics not to be received into unlicensed houses without medical certificates.

33. Every person who receives to board or lodge in a house not licensed under this Act, or takes the care or charge of an insane person, shall within three months next after receiving such insane person into his house, or under his care, transmit to the secretary of the board of visitors of the county a copy of such medical certificates, sealed and endorsed *Private Return*, and every such person shall also (if the insane person continues in his house or under his care) on the 1st day of January, of every year, or within seven clear days there-

Notice thereof to be sent to the Secretary of the Visitors.

after, transmit to such secretary a certificate, signed by two physicians describing the then actual state of mind of such insane person, and endorsed *Private Return*, and all such private returns shall be preserved by the said secretary and shall be open to the inspection of the members of the board of visitors only. R. S. O. 1877, c. 221, s. 43.

When certificate of one physician sufficient.

34. Any person may, under special circumstances, be received into such house, upon such order with the certificate of one physician alone, provided the order states the special circumstances which prevented the person from being examined by two physicians; but in every such case another certificate shall be signed by some other physician, not connected with any house licensed as aforesaid, and who has specially examined such person within three days after his reception into such house. R. S. O. 1877, c. 221, s. 44.

When physician not allowed to certify.

35. No physician who, or whose father, brother, son or partner, is wholly or partly the proprietor of or a regular professional attendant in a licensed house, shall sign any certificate for the reception of a patient into such house; and no physician who, or whose father, brother, son or partner, signs the order hereinbefore required for the reception of a patient, shall sign any certificate for the reception of the same patient. R. S. O. 1877, c. 221, s. 45.

Penalty on physician giving false certificate maliciously.

36. Any physician who with express malice, or corruptly, signs any false certificate of insanity for the purpose of aiding to procure the confinement of any sane person in a private asylum shall, upon judgment being given against him in the High Court in an action for damages on account of such malicious or corrupt act, *ipso facto* be incapacitated from practising as a physician in Ontario for the period of five years thereafter, unless the Court shall see fit to remove such incapacity or shorten the limit thereof. The name of such physician shall, upon production of a certified copy of the judgment to the registrar of the College of Physicians and Surgeons of Ontario, be removed from the register, and shall not be restored thereto during such incapacity. 48 V. c. 53, s. 7.

Admission of person requiring treatment.

37. The medical superintendent of a private asylum may upon the written application of the person desiring admission, receive and detain therein as a patient, any person who though not insane, is desirous of submitting himself for the treatment of epilepsy, hysteria, chorea-amentia, or any nervine or physical ailment, provided that one physician certifies in writing that such patient is afflicted with epilepsy, hysteria, chorea-amentia, or some other nervine or physical ailment, and that there is a danger such ailment will develop into mental derangement unless it is properly treated, but no patient thus

voluntarily admitted shall be detained more than three days after he has given notice in writing to the medical superintendent of his or her intention or desire to leave such asylum. 48 V. c. 53, s. 5.

38. When a patient is received into a private asylum upon his own application, the medical superintendent shall give immediate notice of such reception to the secretary of the board of visitors, stating all the particulars of the case; and one or more members of the board or the secretary thereof shall forthwith visit such patient in order to verify the fact of such patient's having been admitted voluntarily; and all the facts in connection with such case shall be forthwith recorded in the visitors' book by the person making the inquiry. 48 V. c. 53, s. 6.

Notice of admission to be given to Board of Visitors.

39. Every proprietor or superintendent who receives a patient into a licensed house, shall, within two days after the reception of such patient, make an entry with respect to such patient in a book to be kept for that purpose, to be called "The Book of Admissions," according to the form and containing the particulars required in Schedule C, so far as he can ascertain the same, except as to the form of the mental disorder, and except also as to the discharge or death of the patient, which shall be made when the same happens; and every person who so receives such patient and does not, within two days thereafter, make such entry (except as aforesaid), shall forfeit a sum not exceeding \$10. R. S. O. 1877, c. 221, s. 46.

Books to be kept, and entries made therein.

40. The form of the mental disorder of every patient received into any licensed house, shall, within seven days after the reception, be entered in the said "Book of Admissions" by the medical attendant of the house; and every medical attendant who omits to make any such entry within the time aforesaid, shall, for every such omission, forfeit a sum not exceeding \$10. R. S. O. 1877, c. 221, s. 47.

The form of mental disorder to be entered.

Under penalty.

41. The proprietor or resident superintendent of every licensed house shall, after two clear days, and before the expiration of seven clear days from the day on which any patient has been received into the house, transmit to the secretary of the board of visitors within whose jurisdiction the house is situate, a copy of the order and medical certificates or certificate on which the patient has been received, and also a notice and statement according to the form of Schedule D. R. S. O. 1877, c. 221, s. 48.

Copy of order to be sent by proprietor to Secretary of Visitors.

42. When a patient has escaped from a licensed house, the proprietor or superintendent of the house shall, within two clear days next after the escape, transmit a written notice

In cases of escape, what steps to be taken.

Under penalty.

thereof to the secretary of the board of visitors within whose jurisdiction the house is situate; and the notice shall state the Christian name and surname of the patient who so escaped, and his or her then state of mind, and also the circumstances connected with the escape; and if the patient is brought back to such house, the proprietor or resident superintendent shall within two clear days after the patient has been brought back, transmit a written notice thereof to the secretary; and the notice shall state when the patient was so brought back, and the circumstances connected therewith, and whether with or without a fresh order and certificates or certificate, and every proprietor or resident superintendent omitting to transmit such notice whether of escape or of return, shall for every such omission forfeit a sum of \$40. R. S. O. 1877, c. 221, s. 49.

REMOVAL, DISCHARGE, DEATH, ETC.

Removal, discharge, etc., to be entered.

And notice given.

43. When a patient is removed or discharged from a licensed house, or dies therein, the proprietor or superintendent of the house shall, within two clear days next after such removal, discharge or death, make an entry thereof in a book to be kept for that purpose, according to the form and stating the particulars in Schedule E to this Act, and shall also within the same two days transmit a written notice thereof, and also of the cause of the death, removal or discharge of the patient, if known to the secretary of the board of visitors in whose jurisdiction the house is situate, according to the form, and containing the particulars in Schedule F to this Act. R. S. O. 1877, c. 221, s. 50.

Certificate required in case of death.

Under penalty.

44. In case of the death of a patient in a licensed house, a statement of the cause of the death of the patient, with the name of any person present at the death, shall be forthwith drawn up and signed by the medical attendant of the house, and a copy thereof, duly certified by the proprietor or superintendent of such house, shall, within forty-eight hours after the death of the patient, be by such proprietor or superintendent transmitted to the nearest coroner, and also to the secretary of the board of visitors in whose jurisdiction the house is situate, and also to the person who signed the order for the patient's confinement, or if such person is dead or absent from the Province, then to the person who made the last payment on account of the patient, and every medical attendant, proprietor or superintendent who neglects or omits to draw up, sign, certify, or transmit such statement as aforesaid, shall, for every such neglect or omission, forfeit and pay a sum of not exceeding \$200. R. S. O. 1877, c. 221, s. 51.

Penalty for illegal confinement.

45. In case any person released from confinement in any licensed house considers himself to have been unjustly confined, the secretary of the board of visitors within whose juris-

diction the house is situate shall at his request, furnish to him, or to his solicitor, without fee or reward, a copy of the certificates and order upon which he has been confined; and the Lieutenant-Governor may cause to be prosecuted on the part of the Crown, any person who has been concerned in the unlawful taking of any of Her Majesty's subjects as an insane patient, and likewise any person who has been concerned in the neglect or ill-treatment of any patient or persons so confined. R. S. O. 1877, c. 221, s. 52.

MEDICAL ATTENDANCE.

46. In every house licensed for one hundred patients or more, there shall be a resident physician as the superintendent or medical attendant thereof; and every house licensed for less than one hundred, and more than fifty patients (in case such house is not kept by, or has not a resident physician), shall be visited daily by a physician, and every house licensed for less than fifty patients (in case such house is not kept by, or has not a resident physician) shall be visited twice in every week by a physician; but the board of visitors of any house may direct that such house shall be visited by a physician at any other time or times, not being oftener than once in every day. R. S. O. 1877, c. 221, s. 53.

Every house to have a resident or attendant physician.

47. Where a house is licensed to receive less than eleven lunatics, any two members of the board of visitors of such house, if they respectively think fit, may, by writing under their hands, permit the house to be visited by a physician at such intervals more distant than twice every week, as such visitors appoint, but not at a greater interval than once in every two weeks. R. S. O. 1877, c. 221, s. 54.

When a physician to visit, if less than eleven lunatics.

48. Every physician, in case there is only one, keeping or residing in or visiting any licensed house, and in case there are two or more physicians keeping or residing in or visiting any licensed house, then one at least of such physicians, shall once in every week (or, in the case of any house at which visits at more distant intervals than once a week are permitted then shall on every visit), enter and sign in a book to be kept at such house for that purpose, to be called "The Medical Visitation Book," a report shewing:

Entries to be made in "The Medical Visitation Book."

1. The date thereof;
2. The number, sex, and state of health of all the patients then in the house;
3. The Christian name and surname of every patient who has been under restraint, or in seclusion, or under medical treatment, since the date of the last preceding report;
4. The condition of the house, and every death, injury and act of violence which has happened to or affected any patient since the then last preceding report, according to the form in

Schedule H, and every such physician who omits to enter or sign such report, shall for every such omission forfeit and pay the sum of \$80. R. S. O. 1877, c. 221, s. 55.

A book to be kept called "The Case Book."

Entries.

Penalty.

49. There shall be kept in every licensed house a book to be called "The Case Book," in which the physician keeping or residing in or visiting such house shall from time to time make entries of the mental state and bodily condition of each patient, together with a correct description of the medicine and other remedies prescribed for the treatment of his disorder, and the board of visitors within whose jurisdiction any licensed house is situate may, whenever they see fit, by an order in writing, require the physician keeping or residing in or visiting such house, to transmit to them a correct copy of the entries or entry in the case book kept under the provisions of this Act relative to the case of any lunatic who is or has been confined in such house, and every physician who neglects to keep the said case book, or to enter therein the particulars of each patient's case, or to transmit a copy of any entry therein pursuant to any such order, shall for every such neglect forfeit a sum not exceeding \$40. R. S. O. 1877, c. 221, s. 56.

INSPECTION BY BOARD OF VISITORS.

Visitors to visit licensed houses.

50. Every licensed house within the jurisdiction of any board of visitors shall be visited by two at least of the members of the board (one of whom shall be a physician), four times at the least in every year. R. S. O. 1877, c. 221, s. 57.

Duties of, in making visits.

51. The visitors, when visiting any such house, shall inspect every part of the house, and every house, out-house, place and building communicating therewith, or detached therefrom but not separated by ground belonging to any other person, and every part of the ground and appurtenances held, used or occupied therewith, and shall see every patient then confined therein, and shall enquire whether any patient is under restraint, and why, and shall inspect the order and certificates or certificate for the reception of every patient who has been received into the house since the last visit of the visitors, and shall enter in the visitors' book a minute :

1. Of the then condition of the house, and of the patients therein ;

2. The number of patients under restraint, with the reasons thereof as stated ;

3. Such irregularity (if any) as exists in such order or certificate ;

4. Whether the previous suggestions (if any) of the visitors, have or have not been attended to ; and

5. Any observations which they deem proper as to any of the matters aforesaid, or otherwise. R. S. O. 1877, c. 221, s. 58.

52. The proprietor or superintendent of every licensed house shall shew to the visitors so visiting the same, every part thereof and every person detained therein as a lunatic. R. S. O. 1877, c. 221, s. 59.

Duties of proprietor or superintendent towards the Visitors.

53. The visitors upon their several visitations to a licensed house shall inquire :

Inquiries to be made by the Visitors.

1. Where divine service is performed therein, to what number of the patients, and the effect thereof ;

2. What occupations or amusements are provided for the patients, and the result thereof ;

3. Whether there has been adopted any system of non-coercion, and if so, the result thereof ;

4. As to the classification of patients ;

5. And such other inquiries as to such visitors seem expedient. R. S. O. 1877, c. 221, s. 60.

54. Upon every visit of the visitors to a licensed house, there shall be laid before them by the proprietor or superintendent of the house :

What information to be laid before the Visitors.

1. A list of all the patients then in the house (distinguishing males from females, and specifying such as are deemed curable) ;

2. The several books by this Act required to be kept by the proprietor or superintendent, and by the medical attendant of a licensed house ;

3. All orders and certificates relating to patients admitted since the visitation of the visitors ;

4. The license then in force for such house ;

5. All such other orders, certificates, documents and papers relating to any of the patients at any time received into such house, as the visitors from time to time require to be produced to them ; and the visitors shall sign the said books as having been so produced. R. S. O. 1877, c. 221, s. 61.

55. There shall be hung up in some conspicuous part of every licensed house a copy of the plan sent to the inspector on applying for the license for such house ; and there shall be kept in every such house a Queen's Printer's copy of this Act, bound in a book, to be called "The Visitors' Book," and the said visitors shall at the time of their visitations enter in such book the result of the inspections and inquiries hereinbefore directed or authorized to be made by them, with such observations (if any) as they think proper ; and there shall also be kept in every such house a book, to be called "The Patients' Book," and the said visitors shall, at the times of their visitations, enter therein such observations as they think fit respecting the state of mind or body of any patient in such house. R. S. O. 1877, c. 221, s. 62.

Information to be hung up in every licensed house.

"The Visitors' Book."

"The Patients' Book."

Copies of
Visitors'
entries to be
sent to the
Secretary.

56.—(1) The proprietor or resident superintendent of every licensed house shall, within three days after every visit by the said visitors, transmit to the secretary of the visitors a true and perfect copy of the entries made by them in "The Visitors' Book," "The Patients' Book" and "The Medical Visitation Book" respectively, distinguishing the entries in the several books. R. S. O. 1877, c. 221, s. 63.

Report to be
made to
Inspector.

(2) The proprietor or resident superintendent of every licensed house shall, within five days after the admission of any lunatic, or of an insane or idiotic patient, or of a person of unsound mind, to such licensed house, report to the inspector of prisons and public charities for Ontario, the fact of such admission, together with copies of the certificates and papers upon which the patient was admitted, and shall at any and all times furnish to the inspector such other reports and information relative to any such patient or patients as may be required by him. 49 V. c. 50, s. 2.

Penalty on
proprietor
omitting.

57. Every proprietor or superintendent who omits to transmit to the secretary of the board of visitors a true and perfect copy of every such entry, shall, for every omission, forfeit a sum not exceeding \$40. R. S. O. 1877, c. 221, s. 65.

Nocturnal
visits.

58. Any two members of the board of visitors may visit and inspect a licensed house within their jurisdiction at such hour of the night as they think fit. R. S. O. 1877, c. 221, s. 66.

DISCHARGE OF PATIENTS.

Order for dis-
charge.

59. In case the person who signed the order on which a patient has been received into a licensed house, by writing, under his hand, directs the patient to be removed or discharged, such patient shall forthwith be removed or discharged accordingly. R. S. O. 1877, c. 221, s. 67.

If person who
signed the
order for ad-
mission be-
comes incapa-
ble, what to
be done.

60. If the person who signed the order upon which a patient has been received into a licensed house is incapable by reason of insanity or absence from the Province, or otherwise, of giving an order for the discharge or removal of the patient, or if such person is dead, then, the husband or wife of the patient, or if there is no such husband or wife, the father of the patient, and if there is no father, the mother of the patient, or if there is no mother, then any one of the nearest of kin for the time being of the patient, or the person who made the last payment on account of the patient, may, by writing under his or her hand, give such direction for the discharge or removal of the patient, and thereupon the patient shall be forthwith discharged or removed accordingly. R. S. O. 1877, c. 221, s. 68.

61. No patient shall be discharged or removed from a licensed house under any of the powers hereinbefore contained, if the physician by whom the same is kept, or who is the regular medical attendant thereof, by writing under his hand, certifies that in his opinion the patient is dangerous and unfit to be at large, together with the grounds on which such opinion is founded, unless the board of visitors of the house after such certificate has been produced to them, give their consent, in writing, to the discharge or removal of the patient. R. S. O. 1877, c. 221, s. 69.

What to be done if the physician in charge objects.

62. Nothing herein contained shall prevent any patient from being transferred from one licensed house to another licensed house, or to an asylum for the insane, but in such case every patient shall, for the purpose of such removal, be placed under the control of an attendant belonging to the licensed house to or from which he is about to be removed, and shall remain under such control until the removal has been duly effected. R. S. O. 1877, c. 221, s. 70.

Transfer from one house to another or to an asylum for the insane.

63. Any two or more members of the board of visitors of any licensed house, of whom one shall be a physician, may make special visits to any patient detained in such house, on such days and at such hours as they think fit; and if after two distinct and separate visits made by the same visitors it appears to them that the patient is detained without sufficient cause, they may order his discharge and the patient shall be discharged accordingly. R. S. O. 1877, c. 221, s. 71.

Special visits by Visitors and when they may order discharge of patients.

64. Every order by the visitors for the discharge of a patient from a licensed house shall be signed by them, and they shall not order the discharge of a patient from such house without having previously examined the medical attendant of the house, if he tenders himself for that purpose, as to his opinion respecting the fitness of the patient to be discharged. R. S. O. 1877, c. 221, s. 72.

To sign the orders, etc.

And examine medical attendant if required.

65. If the visitors, after examining the medical attendant, discharge a patient, and the medical attendant furnishes them with a statement in writing, containing his reasons against the discharge of the patient, they shall forthwith transmit such statement to the secretary of the board of visitors, to be kept and registered in a book for that purpose. R. S. O. 1877, c. 221, s. 73.

If physician in charge objects, what to be done.

66. Not less than seven days shall intervene between the first and second of such special visits, and the board of visitors shall, seven days previously to the second of such special visits, give notice thereof, either by post, or by an entry in "The Patients' Book," to the proprietor or superintendent of the licensed house in which the patient intended to be visited is detained, and the proprietor or superintendent shall, forth-

Time to intervene between special visits, etc.

with, if possible, transmit by post a copy of the notice to the person by whose authority the patient has been received into such house, or by whom the last payment on account of such patient was made, and also to the secretary of the board of visitors. R. S. O. 1877, c. 221, s. 74.

What lunatics the visitors cannot discharge.

67. None of the powers of discharge hereinbefore contained, shall extend to a lunatic confined under an order or authority of the Lieutenant-Governor, or under the order of any Court of criminal jurisdiction. R. S. O. 1877, c. 221, s. 75.

ORDER FOR INFORMATION.

Information to be given to persons who apply respecting individuals detained as lunatics.

68. If a person applies to a member of the board of visitors to be informed whether any particular person is confined in a licensed house within the jurisdiction of the board, the member, if he thinks it reasonable to permit the inquiry to be made, shall sign an order to the secretary of the board of visitors, and the secretary shall, on receipt of such order, and on payment to him of a sum not exceeding twenty cents for his trouble, make search amongst the returns made to him in pursuance of this Act, whether the person inquired after is, or, within the then last twelve months, has been confined in any licensed house within the jurisdiction of the board; and if it appears that such person is or has been so confined, the secretary shall deliver to the person applying a statement in writing, specifying:

1. The situation of the house in which the person so inquired after appears to be or to have been confined;
2. The name of the proprietor or resident superintendent thereof;
3. The date of the admission of such person into such licensed house; and
4. (In case of his having been removed or discharged) the date of his removal or discharge therefrom. R. S. O. 1877, c. 221, s. 76.

ORDERS FOR ADMISSION.

Admission of relatives, order for.

69. Any member of the board of visitors of a licensed house may, at any time, give an order in writing under his hand for the admission to any patient confined in such house, of any relation or friend of such patient or of any medical or other person whom any relation or friend of the patient desires to be admitted to him. R. S. O. 1877, c. 221, s. 77.

Extent of such order.

70. The order of admission may be either for a single admission, or for an admission for any limited number of times or for admission generally at all reasonable times, and either with or without restriction as to the admission or admissions being in the presence of a keeper or not, or otherwise. R. S. O. 1877, c. 221, s. 78.

71. If the proprietor or superintendent of such house refuses admission to, or prevents or obstructs the admission to any patient, of any relation, friend or other person who produces such order of admission, he shall for every such refusal, prevention or obstruction, forfeit a sum not exceeding \$80. R. S. O. 1877, c. 221, s. 79.

Penalty for refusing admission.

MISCELLANEOUS PROVISIONS.

72. In case the medical superintendent of a private asylum considers it conducive to the recovery of any of the persons confined in the asylum that such person should be entrusted for a time to the care of his friends, the medical superintendent may allow such person to return on trial to his friends, upon receiving a written undertaking by one or more of the friends of such person, that he or they will keep an oversight over such person. 48 V. c. 53, s. 1.

Medical Superintendent may give patient into custody of his friends.

73. In case, within six months from such probational leave, the patient again becomes dangerous or unfit to be at large, it shall be lawful for the medical superintendent by whom the patient was so enlarged, with the consent of the inspector of prisons and public charities, or one of the visitors, to be endorsed on the warrant, by his warrant directed to any person or persons, or to any constable or peace officer, or to all constables or peace officers, to authorize and direct that such patient be apprehended and brought back to the asylum from which he was probationally enlarged, and the warrant so endorsed shall be an authority to any one acting thereunder to apprehend the person named therein and to bring him back to the said asylum. 48 V. c. 53, s. 2.

Recommittal to asylum.

74. The proprietor or superintendent of a licensed house, with the consent in writing of any two of the visitors of the house, may send or take, under proper control, any patient to any specified place for any definite time for the benefit of his health; but before such consent is given by any visitors, the approval in writing of the person who signed the order for the reception of the patient, or by whom the last payment on account of the patient has been made, shall be produced to such visitors, unless they, on cause shewn, dispense with the same. R. S. O. 1877, c. 221, s. 80.

On what authority patients may be taken on excursions for benefit of health.

75. In every case in which a patient under any of the powers or provisions of this Act, is removed temporarily from the licensed house into which the order for his reception has been given, or is transferred from such house into any new house, and also in every case in which any patient has escaped from any such house and has been retaken within fourteen days next after such escape, the certificate or certificates relating to and the original order for the reception of the patient shall respectively remain in force, in the same manner as the same

What temporary circumstances not to affect original certificates and order.

would have done if the patient had not been so removed or transferred, or had not so escaped and been retaken. R. S. O. 1877, c. 221, s. 81.

Persons licensed authorized to receive and detain patients, etc.

76. Every proprietor or superintendent of a licensed house who receives a proper order in pursuance of this Act, accompanied with the required medical certificates or certificate for the reception or taking care of any person as a lunatic, and the assistants and servants of such proprietor or superintendent, may take charge of, receive and detain such patient until he dies or is removed or discharged by due authority; and in case of the escape of the patient, may retake him at any time within fourteen days after his escape, and again detain him as aforesaid. R. S. O. 1877, c. 221, s. 82.

Visitors may compel the attendance of witnesses.

77. The board of visitors of any licensed house, or any two members of the board may, from time to time, by summons under their hands and seals (according to the form in Schedule G, or as near thereto as the case permits), require any person to appear before them to testify, on oath, the truth touching any matters respecting which such visitors are by this Act authorized to inquire (which oath they are hereby empowered to administer); and every person who does not appear before such visitors pursuant to such summons, or does not assign some reasonable excuse for not appearing, or appears and refuses to be sworn or examined, shall, on being convicted thereof before one of Her Majesty's Justices for the county, forfeit a sum not exceeding \$200 for every such neglect or refusal. R. S. O. 1877, c. 221, s. 83.

Penalty for non-attendance, etc.

Expenses of witnesses.

78. Any visitors who summon a person to appear and give evidence as aforesaid, may direct the secretary of the board to pay to such person all reasonable expenses of his appearance and attendance, in pursuance of the summons; the same to be considered as expenses incurred by the board of visitors in the execution of this Act, and to be taken into account and paid accordingly. R. S. O. 1877, c. 221, s. 84.

PROSECUTIONS AND PENALTIES.

One Justice may receive complaints.

79. Every complaint or information of or for any offence against this Act, where any pecuniary penalty is imposed may be made before one Justice. R. S. O. 1877, c. 221, s. 85.

Procedure on non-appearance.

80. When any person is charged upon oath, before a Justice, for any offence against this Act, the Justice may summon the person charged to appear at a time and place to be named in the summons, and if he does not appear then upon proof of due service of the summons (either personally or by leaving the same at his last or usual place of abode), any two Justices

may either proceed to hear and determine the case, or may issue their warrant for apprehending such person and bringing him before any two Justices. R. S. O. 1877, c. 221, s. 86.

81. Any two Justices upon the appearing of such person, pursuant to the summons, or upon such person being apprehended under a warrant, or upon the non-appearance of such person, shall hear the matter of every such complaint or information, and make such determination thereon as the Justices think proper. R. S. O. 1877, c. 221, s. 87.

Adjudication
by Justices.

82. Upon conviction of any person, the Justices may, if they think fit, reduce the amount of the penalty by this Act imposed for the offence, to any sum not less than one-fourth of the amount thereof, and shall issue a warrant under their hands and seals for levying such penalty, or reduced penalty, and all costs and charges of the summons, warrant and hearing, and all incidental costs and charges, by distress and sale of the goods and chattels of the person convicted. R. S. O. 1877, c. 221, s. 88.

Penalties may
be reduced,
and how
levied.

83. Such two Justices may order any person so convicted to be detained and kept in the custody of any constable or other peace officer until return can be conveniently made to such warrant of distress, unless the offender gives security by way of recognizance or otherwise to the satisfaction of the Justices, for his appearance before them on such day as they appoint for the return of the warrant of distress; such day not being more than seven days from the time of taking such security. R. S. O. 1877, c. 221, s. 89.

Detention of
defendant.

84. If, upon the return of the warrant of distress, it appears that no sufficient distress can be had whereupon to levy the penalty or reduced penalty, and the costs and charges, and if the same are not forthwith paid, or in case it appears to the satisfaction of the Justices, either by the confession of the offender or otherwise, that the offender has not sufficient goods and chattels whereupon the penalty or reduced penalty, costs and charges can be levied, the Justices shall, by warrant under their hands and seals, commit the offender to the common gaol or house of correction of the county, as the case may be, for any term not exceeding three months, unless the penalty or reduced penalty, costs and charges, are sooner paid. R. S. O. 1877, c. 221, s. 90.

If no sufficient
distress.

85. All penalties and reduced penalties, when recovered shall be paid to the clerk of the peace for the county in which the offence was committed, to be by him applied and accounted for as hereinbefore directed with respect to moneys received for licenses; and the overplus (if any) arising from such distress and sale, after payment of the penalty or reduced penalty, and all costs and charges as aforesaid, shall be paid upon demand, to the owner of the goods and chattels so distrained. R. S. O. 1877, c. 221, s. 91.

How penalties
to be disposed
of.

Form of convictions.

86. The Justices before whom any person is convicted of any offence against this Act for which a pecuniary penalty is imposed, may cause the conviction to be drawn up in the following form, or in any other form to the same effect, as the case may require; and no conviction under this Act shall be void through want of form:

“Be it remembered, that on the day of ,
in the year of our Lord at , in the
County of , A. B. was convicted before us,
of Her Majesty’s Justices of the Peace for the said county, for that he
the said did and we the
said adjudge the said
for his said offence to pay the sum of .

R. S. O. 1877, c. 221, s. 92.

Appeals.

87. Any person who thinks himself aggrieved by the order or determination of any Justices under this Act, may, within four months after such order made or given, appeal to the Justices at General Sessions; the person appealing having first given at least fourteen clear days’ notice in writing of the appeal and the nature and matter thereof, to the person appealed against, and forthwith after such notice entering into a recognizance before some Justice, with two sufficient sureties, conditioned to try such appeal and to abide the order and award of the said Court thereupon. R. S. O. 1877, c. 221, s. 93.

Justices in General Sessions to hear.

88. The Justices at General Sessions, upon the proof of such notice and recognizance having been given and entered into, shall, in a summary way, hear and determine the appeal, or if they think proper, may adjourn the hearing thereof until the next General Sessions, and if they see cause, may mitigate any penalty to not less than one-fourth of the amount imposed by this Act, and may order any money to be returned which has been levied in pursuance of the order or determination appealed against, and may also award such further satisfaction to the party injured, or such costs to either of the parties, as they judge reasonable and proper; and all such determinations of the said Justices at General Sessions shall be final and conclusive upon all parties to all intents and purposes whatsoever. R. S. O. 1877, c. 221, s. 94.

Limitation of actions.

89. If an action is brought against any person for anything done in pursuance of this Act, the same shall be commenced within twelve months next after the release of the party bringing the action, and shall be laid or brought in the county where the cause of action arose, and not elsewhere. R. S. O. 1877, c. 221, s. 95.

Defendants may plead not guilty, etc.

90. The defendant in every such action may, at his election, plead specially or may plead not guilty by statute, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pur-

suance and by the authority of this Act; and if the same appears to have been so done, or if it appears that the action has been brought in any other county than where the cause of action arose, or was not commenced within the time hereinbefore limited for bringing the same, then the Judge or jury (as the case may be) shall find a verdict for the defendant; and upon a verdict being so found, or if the plaintiff is nonsuited or discontinues his action after the defendant has appeared, or if upon demurrer judgment is given against the plaintiff, then the defendant shall recover double costs, and have such remedy for recovering the same as any defendant has in other cases by law. R. S. O. 1877, c. 221, s. 96.

91. In every writ, action and other proceeding preferred or brought against any proprietor or superintendent, or against the assistant or servant of any proprietor or superintendent, for taking, confining, detaining or retaking any person as a lunatic, the party complained of may plead in defence the order and certificates or certificate hereinbefore mentioned, and such order and certificates or certificate shall, as respects such party, be a justification for taking, confining, detaining or retaking the lunatic or alleged lunatic. R. S. O. 1877, c. 221, s. 97.

Defence in case of prosecution.

92. The secretary of any board of visitors may, on the order of the board, prosecute any person for any offence against the provisions of this Act committed within the jurisdiction of such board, and may sue for and recover any penalty to which any person within the jurisdiction of the board is made liable by this Act. R. S. O. 1877, c. 221, s. 98.

When Secretary of Board of Visitors to prosecute.

93. All penalties sued for and recovered by such secretary shall be paid to him, and shall be by him applied and accounted for the same as hereinbefore enacted with respect to moneys received for licenses. R. S. Q. 1877, c. 221, s. 99.

How penalties recovered by him to be disposed of.

94. No one shall prosecute any person for any offence against the provisions of this Act, or sue for any penalty to which any person is made liable by this Act, except by order of the board of visitors having jurisdiction in the place where the cause of prosecution has arisen or the penalty has been incurred, or with the consent of Her Majesty's Attorney-General for Ontario. R. S. O. 1877, c. 221, s. 100.

Order of Visitors necessary to authorize suits for penalties or prosecutions for offences. Except, etc.

95. In case any person is proceeded against for omitting to transmit or send any copy, list, notice, statement or other document hereinbefore required to be transmitted by such person, and such person proves by the testimony of one person upon oath, that the copy, list, notice, statement or other document in respect of which the proceeding has been taken, was put into the proper post-office in due time or (in case of documents required to be transmitted to a clerk of the peace), left at the

What to be sufficient proof of compliance with certain regulations in case of prosecution.

office of such clerk of the peace, and was properly addressed, such proof shall be a bar to all further proceedings in respect of such omission. R. S. O. 1877, c. 221, s. 101.

Costs under orders, etc., of Visitors provided for.

96. The costs, charges and expenses incurred by or under the order of any board of visitors, shall be paid by the clerk of the peace for the county, and be included by him in the account of receipts and payments hereinbefore directed to be kept by him. R. S. O. 1877, c. 221, s. 102.

ADMISSION OF INEBRIATES.

Inebriates may be admitted.

97. If the license so directs, admission to a private asylum shall be awarded to inebriates who are *bona fide* residents of the Province, upon the voluntary application in writing of the person desiring to be admitted: provided it is certified to the satisfaction of the superintendant that the person so applying is an inebriate, and further, that he is a reasonably hopeful subject for treatment with a view to the cure of his inebriety. 36 V. c. 33, s. 13.

Time of detention in hospital.

98. Such inebriate may be detained in the asylum for a period of one year, and no longer; and it shall be a condition of his admission to the asylum that he shall remain therein such length of time, not exceeding one year, as, in the opinion of the superintendent, is required to effect a permanent cure of his inebriety; and before admission is awarded he shall sign a pledge agreeing and consenting to such specified condition, and to faithfully conform himself to all the rules and regulations of the asylum while an inmate of the same. 36 V. c. 33, s. 14.

Terms of admission.

Authority of superintendent to discharge patients.

99. The superintendent, with the consent and authority of the inspector, shall have full authority to discharge at any time from the asylum any person who has been awarded admission to it by his own voluntary application for the following causes, viz:—

1. That such person is cured;
2. That such person is incurable and incapable of being benefited by the treatment and discipline of the said asylum;
3. That such person, who, being able to pay for maintenance and support therein, or that any other person who has become security for maintenance and support, has failed to pay therefor;
4. Such person who has been guilty of vicious conduct prejudicial to the good order and discipline of the asylum. 36 V. c. 33, s. 15.

Commitment of habitual drunkards.

100. On petition under oath, presented to the Judge of the County Court of the county in which the alleged habitual drunkard resides, by any relations, whether by blood or affinity, or, in default of such relations, by any friend of the alleged habitual drunkard, setting forth that the alleged habitual drunkard, being a *bona fide* resident of the Province, is so

given over to drunkenness as to render him unable to control himself, and is incapable of managing his affairs, or that by reason of such drunkenness he either squanders or mismanages his property, or places his family in danger or distress, or transacts his business prejudicially to the interest of his family or his creditors, or that he uses intoxicating liquors to such an extent as to render him dangerous to himself or others, or incurs the danger of ruining his health and shortening his life thereby, and praying that a hearing and examination of the matters and allegations set forth in the said petition may be had, the Judge shall cause and direct that a copy of the petition shall forthwith be served upon the alleged habitual drunkard, and with such copy there shall be served an appointment signed by the Judge, appointing a time and place for the hearing of the matters and allegations contained in the petition, and such service shall be at least eight clear days before the time fixed for the hearing. 36 V. c. 33, s. 18.

101. The Judge shall attend at the time and place named in the appointment, and then and there proceed to enquire into the matters and allegations set forth in the petition: provided always that he may in his discretion adjourn the said enquiry from time to time. 36 V. c. 33, s. 19. Hearing the petition.

102. The Judge shall have power to summon such relations, or such other persons as are acquainted with the alleged habitual drunkard, before him, by order under his hand, and examine such persons under oath touching the truth or falsity of the matters and allegations set forth in the petition respecting the alleged habitual drunkard; and any person who shall neglect or refuse to appear before the Judge at the time and place named in the order, having been duly served with a copy thereof, or shall refuse to give evidence before the Judge, may be taken into custody by virtue of a warrant under the hand of the Judge, and imprisoned in the common gaol of the county in which the enquiry is held, as for contempt of Court, for a period not exceeding fourteen days. 36 V. c. 33, s. 20. Summoning of witnesses.

103. In proceeding to the examination of the matters and charges contained in the petition, it shall not be necessary that the person charged with such habitual drunkenness be interrogated before the Judge, nevertheless the Judge shall have power so to do, but it shall be sufficient that he be satisfied with the evidence given before him by the relations or such other persons as are acquainted with the alleged habitual drunkard. 36 V. c. 33, s. 21. Examination of the habitual drunkard discretionary.

104. The alleged habitual drunkard may produce before the Judge witnesses to contradict the matters and allegations of the petition, and the witnesses in support of the same, and each party may retain counsel to conduct the proceedings before the Judge and to examine the witnesses. 36 V. c. 33, s. 22. Habitual drunkard may produce and examine witnesses.

If judge find party petitioned against to be an habitual drunkard, to report to Provincial Secretary.

105. If the Judge, upon such examination, finds the person petitioned against to be an habitual drunkard, and so given over to drunkenness as to render him unable to control himself and incapable of managing his affairs; or for the like reasons squanders or mismanages his property; or places his family in danger or distress; or transacts his business prejudicially to the interest of his family or his creditors; or that he uses intoxicating liquors to such an extent as to render him dangerous to himself or others; or incurs the danger of ruining his health or shortening his life, the Judge shall forthwith report the fact to the Provincial Secretary, and with the report shall transmit the evidence taken. 36 V. c. 33, s. 23.

Provincial Secretary may direct removal to hospital.

106. Upon the receipt of the report and evidence, the Provincial Secretary may, by order directed to the sheriff of the county where the habitual drunkard resides, direct the said sheriff to forthwith remove the habitual drunkard to the asylum, to be placed under treatment and detained therein for a period not exceeding one year; nevertheless, the Provincial Secretary may, upon the report of the superintendent; at any time, order the discharge of the person so committed for any of the causes specified in sub-sections 1, 2 and 4 of section 99 of this Act. 36 V. c. 33, s. 24.

Provision in case any party detained escape.

107. In case an inmate of the asylum, whether admitted or committed as hereinbefore provided, shall escape therefrom, it shall be lawful for any of the officers or servants of the asylum, or for any other person or persons, at the request of the superintendent within forty-eight hours after such escape, or within one month thereafter, when a warrant has been issued by the superintendent in that behalf, to retake such escaped person, and to return him to the asylum where he shall remain under the authority by virtue of which he was detained prior to such escape. 36 V. c. 33, s. 25.

Application of provisions as to voluntary admission.

108. The provisions respecting the voluntary admission of inebriates shall extend to any person, whether male or female, who is a habitual consumer of stimulating or narcotic drugs to such excess as to cause mental or physical derangement or disease. 46 V. c. 28, s. 11.

Rev. Stat. c. 250, ss. 10, 11, to apply to Private Asylums. Application of Act.

109. Sections 10 and 11 of *The Prison and Asylum Inspection Act* shall hereafter apply to private as well as to public asylums for the insane. 48 V. c. 53, s. 8.

Rev. Stat. c. 245.

110. Nothing in this Act contained shall extend to the asylum for the insane at Toronto, or to the asylums referred to in sections 2 and 3 of *The Act respecting Lunatic Asylums and the Custody of Insane Persons*. R. S. O. 1877, c. 221, s. 103.

SCHEDULE A.

(Section 29.)

ORDER FOR THE RECEPTION OF A PATIENT.

I, the undersigned, hereby request you to receive *A. B.*, a lunatic (*or, an insane person, or, an idiot, or, a person of unsound mind*) as a patient into your house.

(Signed)

Name.

Occupation (if any), place of abode, degree of relationship, (if any), or other circumstances of connection with the patient.

1. Name of Patient, with Christian name at length.
2. Sex and age.
3. Married, single, or widowed.
4. Condition of life and previous occupation (if any).
5. Previous place of abode.
6. Religious persuasion, so far as known.
7. Duration of existing attack.
8. Whether first attack.
9. Age (if known) on first attack.
10. Whether subject to epilepsy.
11. Whether suicidal or dangerous to others.
12. Previous place of confinement (if any).
13. Whether found lunatic by Commission, and date of Commission.
14. Special circumstances (if any) preventing the patient being examined, before admission, separately by two physicians.
15. Special circumstances (if any) preventing the insertion of any of the above particulars.

Dated this day of , 18

(Signed,)

Name.

To

Proprietor (*or, Superintendent*) of

(*describing house by situation and name, if any.*)

R. S. O. 1877, c. 221, Sched B.

SCHEDULE B.

(Section 29.)

FORM OF MEDICAL CERTIFICATE.

I, being a physician duly authorized to practise as such, hereby certify that I have this day, separately from any other medical practitioner, visited and personally examined *A. B.*, the person named in the accompanying statement and order, and that the said *A. B.* is a lunatic, (*or an insane person, or an idiot, or a person of unsound mind,*) and a proper person to be confined, and that I have formed this opinion from the following fact (*or facts,*) viz. :

(Signed,)

Name.

Place of abode.

Dated this

day of

, 18

R. S. O. 1877, c. 221, Sched. C.

SCHEDULE C.

(Section 39.)

REGISTRY OF ADMISSIONS—REGISTER OF PATIENTS.

Date of last previous Admission (if any).	No. in order of Admission.	Date of Admission.	Christian and Surname at length.	Sex. M. _____ F. _____	Age.	Condition as to Marriage. Married. _____ Single. _____ Widowed. _____	Condition of life and previous occupation (if any).	Previous place of abode.	By whose authority sent.	Dates of Medical Certificates, and by whom signed.	Bodily condition.	Name of Disorder (if any).	Form of mental Disorder.	Supposed cause of Insanity.	Epileptics.	Congenital Idiots.	Years. Months. Weeks.	Duration of existing attacks.	Number of previous attacks.	Age on first attack.	Date of Discharge, or Death or Removal.	Recovered. Relieved. Not Improved.	Discharged.	Removed.	Died.	Observations.	

R. S. O. 1877, c. 221. Sched. D.

SCHEDULE D.

(Section 41.)

NOTICE OF ADMISSION.

I hereby give you notice, that *A. B.* was received into this house as a patient, on the _____ day of _____, and I hereby transmit a copy of the Order and Medical Certificates (*or* Certificate) on which he was received.

Subjoined is a statement with respect to the mental and bodily condition of the above named patient.

(Signed), *Name.*
Superintendent (or Proprietor) of

Dated this day of , 18 .

STATEMENT.

I have this day seen and personally examined *A. B.*, the patient named in the above notice, and hereby certify that, with respect to mental state, he (*or she*), _____, and that, with respect to bodily health and condition, he (*or she*) _____.

(Signed), *Name.*
Medical Proprietor (or Superintendent,
or Attendant of

Dated this day of , 18 .

R. S. O. 1877, c. 221, Sched. E.

SCHEDULE F.

(Section 43.)

FORM OF NOTICE OF DISCHARGE OR DEATH.

I hereby give you notice that a patient received
 into this house on the day of was discharged
 therefrom, recovered (or relieved, or not improved) or was removed
 therefrom) by the authority of (or died therein) on the
 day of

(Signed)

Name.

Superintendent (or Proprietor)
 of house, at

Dated this day of , 18 .

In case of death, add—and I further certify that A. B. was present
 at the death of the said , and that the apparent cause
 of the death of the said (ascertained by *post*
mortem examination, if so) was

R. S. O. 1877, c. 221, Sched. G.

SCHEDULE G.

(Section 77.)

FORM OF SUMMONS.

We, whose names are hereunto set and seals affixed, being two of
 the visitors appointed under or by virtue of chapter 246 of The Revised
 Statutes of Ontario, respecting Private Lunatic Asylums, do hereby
 summon and require you personally to appear before us at
 in on
 the day of , at the hour of
 in the noon of the same day, and then and there to be
 examined, and to testify the truth touching certain matters relating to the
 execution of the said Act.

Given under our hands and seals, this day of
 in the year of our Lord, 18 .

R. S. O. 1877, c. 221, Sched. H.

SCHEDULE H.

(Section 48, sub-section 4.)

FORM OF MEDICAL JOURNAL, AND WEEKLY REPORT.

Date of Report.		Number of Patients.		Names of Patients under restraint (and by what means), or in seclusion.		Names of Patients under Medical Treatment.		Report on state of health of Patients, and condition of House.	Deaths, injuries, and violences to Patients.
Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.		

R. S. O. 1877, c. 221. Sched. J.

CHAPTER 54.

An Act respecting Lunatics.

INTERPRETATION, s. 1.

JURISDICTION, s. 2.

INQUISITION BY COMMISSION, ss. 3, 4.

INQUIRY WITHOUT COMMISSION, ss.
5-8.

SCOPE OF INQUIRY, s. 9.

PROTECTION OF PROPERTY, ss. 10-16.

APPEAL, s. 17.

COSTS, s. 18.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. The word “lunatic” in this Act shall include an idiot or other person of unsound mind. R. S. O. 1877, c. 40, s. 57. Interpretation
“lunatic.”

2. In the case of lunatics and their property and estates the jurisdiction of the High Court shall include that which in England is conferred upon the Lord Chancellor by a Commission from the Crown, under the Sign Manual. R. S. O. 1877, c. 40, s. 58. Jurisdiction
over lunatics
and their
estates.

INQUISITION BY COMMISSION.

3.—(1) Where a Commission has been issued and an inquisition thereupon returned into Court, by which a person is found lunatic, in case any one entitled to traverse the inquisition desires to do so, he may, within three months from the day of the return and filing of the inquisition, present a petition for that purpose to the Court, and the Court shall hear and determine the petition subject to the following provisions: Traverse of in-
quisition of
lunacy.

(2) In every order giving effect to the petition, the Court shall limit a time not exceeding six months from the date of the order, within which the person desiring to traverse, and all other proper parties, shall proceed to the trial of the traverse; but the Court may under the special circumstances of any case, verified by affidavit, and upon a petition being presented for that purpose, allow the traverse to be had or tried after the time limited; and in such special case the Court may make such orders as seem just. Time to be
limited.

(3) The trial may be ordered to take place in any Court of Record in Ontario, with the aid of a jury, according to the circumstances of the case and the situation of the parties. May be tried
in any Court of
Record.
R. S. O. 1877, c. 40, s. 59 (1-3).

What security the traverser shall give.

(4) The Court may order that the person to traverse, if he is not the party who has been found lunatic, shall, within one month after the date of the order, file, with such officer as the Court may appoint, a bond, with one or more sureties, in favour of the Accountant, or other officer appointed by the Court, and conditioned for all proper parties proceeding to the trial of the traverse within the time limited. The bond before the filing thereof shall be approved of and certified to be sufficient by the Judge of the County Court of the County in which the parties reside, or by one of the Masters of the Supreme Court of Judicature. R. S. O. 1877, c. 40, s. 59 (4); 50 V. c. 8, Sched.

When the traverser barred.

(5) Every person who does not present his petition, or who neglects to give the security, or who does not proceed to the trial of the traverse within the times respectively limited therefor, and the heirs, executors and administrators of every such person, and all others claiming through him, shall be absolutely barred of the right of traverse. R. S. O. 1877, c. 40, s. 59 (5).

New trials may be granted.

4. The Court if dissatisfied with the verdict returned upon a traverse, may order a new trial, or new trials, as in other cases. R. S. O. 1877, c. 40, s. 60.

INQUIRY WITHOUT COMMISSION.

Inquiry as to lunacy.

5. Instead of issuing a Commission of Lunacy the High Court may, with or without the aid of a jury (which the Court or a Judge thereof may cause to be empanelled as in other cases) hear evidence and inquire into and determine upon the alleged lunacy, or may send the inquiry to any Court of Record; but the alleged lunatic shall have a right in such cases to demand that the inquiry be submitted to a jury. R. S. O. 1877, c. 40, s. 61.

Alleged lunatic may require a jury.

No traverse allowed but new trial may be granted by Court.

6. Where such inquiry is had, no traverse shall be allowed, but the Court, if dissatisfied with the finding of a jury, may, at the instance of any party who would be entitled to traverse an inquisition under commission of lunacy, direct a new trial or new trials from time to time upon application therefor made to the Court within three months from the time the verdict is rendered, or such further time as the Court, under special circumstances, permits, and subject to such directions and upon such conditions as to the Court seem proper, and the Court may order such new trial to be had before the same Court in which the verdict was rendered or before any other Court. R. S. O. 1877, c. 40, s. 62.

Alleged lunatic may be examined openly or privately as Judge directs.

7. On every such inquiry the alleged lunatic, if he is within the jurisdiction of the Court, shall be produced, and shall be examined at such times and in such manner either in open Court or privately before the jury retire to consult about their

verdict as the presiding Judge may direct, unless the Court ordering the inquiry has, beforehand, by order, dispensed with the examination. R. S. O. 1877, c. 40, s. 63.

8. The High Court or a Judge thereof may, on sufficient evidence, declare a person a lunatic without the delay or expense of issuing a commission to inquire into the alleged lunacy, except in cases of reasonable doubt; and any person who might traverse an inquisition to the same effect may move against the order containing the declaration, or may appeal therefrom, as the case requires; and the right so to move or appeal shall, as to time, be subject to the same rules as the right to traverse. R. S. O. 1877, c. 40, s. 65.

Declaration of lunacy without commission.

Proceedings in lieu of traverse when no commission issued.

SCOPE OF INQUIRY.

9. Every inquiry, under a Commission of Lunacy, or before any Court of Record, shall be confined to the question, whether or not the person who is the subject of inquiry is, at the time of the inquiry, of unsound mind and incapable of managing himself or his affairs, and the verdict rendered by a jury shall, in every case, be returned to the Court, certified by the Judge before whom the inquiry has been had, and shall be final as to the question on the inquiry, unless the same is set aside. R. S. O. 1877, c. 40, s. 64.

Question to be tried.

PROTECTION OF PROPERTY.

10. In order to afford due protection to the property of lunatics, the following provisions shall in every case be observed:

Property of Lunatics.

1. The committee of the estate shall, within six months after being appointed, file in the office of the Master to whom the matter is referred, or of such officer as may be appointed for that purpose, a true inventory of the whole real and personal estate of the lunatic, stating the income and profits thereof, and setting forth the debts, credits and effects of the lunatic, so far as the same have come to the knowledge of the committee;

The committee to file an inventory of present property.

2. If any property belonging to the estate is discovered after the filing of an inventory, the committee shall file a true account of the same from time to time, as the same is discovered;

Also, of after discovered property.

3. Every inventory shall be verified by the oath of the committee; and

To be verified on oath.

4. The committee of the estate shall give two or more responsible persons as sureties, in double the amount of the personal estate, and of the annual rents and profits of the real estate, for duly accounting for the same once in every year, or oftener if required by the Court, and for filing the inventory aforesaid; and the security shall be taken by bond in the name

Security to be given by the committee.

of the Accountant or other officer appointed by the Court for that purpose, and the same shall be filed in the office of the Accountant or other officer so appointed. R. S. O. 1877, c. 40, s. 66.

When estate
not sufficient
to pay debts.

11. Where the personal estate of a lunatic is not sufficient for the discharge of his debts, the following steps may be taken :

Committee to
apply for leave
to mortgage or
sell, &c.

1. The committee of his estate shall petition for authority to mortgage, lease or sell so much of the real estate as may be necessary for the payment of the debts;

What the
petition is to
contain.

2. The petition shall set forth the particulars and amount of the estate, real and personal, of the lunatic, the application made of any personal estate, and an account of the debts and demands against the estate;

Truth of
petition
to be inquired
into.

3. The Court shall, by one of the Masters of the Supreme Court of Judicature, or otherwise, inquire into the truth of the representations made in the petition, and hear all parties interested in the real estate;

If personal
estate
insufficient,
real estate may
be disposed of.

4. If it appears to the Court that the personal estate is not sufficient for the payment of debts, and that the same has been applied to that purpose as far as the circumstances of the case render proper, the Court may order the real estate or a sufficient portion of it to be mortgaged, leased or sold either by the committee or otherwise;

Debts to be
paid out of the
proceeds.

5. The Court shall direct the committee to discharge the debts out of the money so raised, and the Court may order the committee to execute conveyances of the estate, and to give security for the due application of the money, and to do such other acts as may be necessary in such manner as the Court may direct; and

Ratably and
without pre-
ference.

6. In the application of moneys so raised, the debts shall be paid in equal proportion without giving preference to those secured by sealed instruments. R. S. O. 1877, c. 40, s. 67.

If effects not
sufficient to
maintain the
lunatic, his
real estate
may be
applied.

12. Where the personal estate, and the rents, profits and income of the real estate of the lunatic are insufficient for his maintenance or that of his family, or for the education of his children, an application may be made by the committee, or by a member of the family of the lunatic, that the committee be authorized or directed to mortgage or sell the whole or part of the real estate as may be necessary; upon which the like reference and proceedings shall be had, and a like order made, as for the payment of debts. R. S. O. 1877, c. 40, s. 68.

Surplus sums
how to be ap-
plied or dis-
posed of.

13. In case of a mortgage, lease or sale being made, the lunatic and his heirs, next of kin, devisees, legatees, executors, administrators and assigns shall have the like interest in the

surplus which remains of the money raised as he or they would have in the estate, if no mortgage, lease or sale had been made; and the money shall be of the same nature and character as the estate mortgaged, leased or sold; and the Court may make such orders as are necessary for the due application of the surplus. R. S. O. 1877, c. 40, s. 69.

14. Where a lunatic is seised or possessed of real estate, by way of mortgage, or as a trustee for others in any manner, the committee may apply to the Court for authority to convey such real estate to the person entitled thereto, in such manner as the Court may direct; and thereupon the like proceedings shall be had as in the case of an application to sell the real estate; and the Court, upon hearing all the parties interested, may order a conveyance to be made; and on the application of any person entitled to a conveyance, the committee may be compelled by the Court, after hearing all parties interested, to execute the conveyance. R. S. O. 1877, c. 40, s. 70.

Where a lunatic is trustee or mortgagee his committee may act, and how far.

15. Every conveyance, mortgage, lease and assurance made by the committee under direction of the Court, pursuant to any of the provisions of this Act, shall be as valid as if executed by the lunatic when of sound mind. R. S. O. 1877, c. 40, s. 71.

Instruments executed by the committee to be valid.

16. The Court may compel the specific performance of any contract made by a lunatic while capable of contracting, and may direct the committee to execute all necessary conveyances for the purpose; and the purchase money, or so much thereof as remains unpaid, shall be paid to the committee or otherwise as the Court directs. R. S. O. 1877, c. 40, s. 72.

Specific performance of contracts made by lunatic.

APPEAL.

17. An order made by a Judge in a matter of lunacy shall be subject to appeal to a Divisional Court and to the Court of Appeal within the same times and under the same conditions as in other cases in the High Court. R. S. O. 1877, c. 40, s. 73.

Appeal.

COSTS.

18. The Court may order the costs, charges and expenses of and incidental to a petition for a commission of lunacy or to any inquiry, inquisition, issue, traverse, order, direction, conveyance or other proceeding in lunacy, to be paid by the party or parties presenting the petition or prosecuting the same or such inquiry or other proceeding in lunacy, or by the party or parties opposing the same, or out of the estate of the lunatic, or alleged lunatic, or partly in one way and partly in another. R. S. O. 1877, c. 40, s. 74.

By whom the Court may order costs to be paid.

*EXTRACTS FROM VARIOUS ACTS RELATING TO
LUNATICS, IDIOTS AND PERSONS OF UNSOUND
MIND.*

CHAPTER 44, SECTION 21, SUB-SEC. 2.

Equitable
jurisdiction.

21. The High Court shall also, subject as in this Act mentioned, have the like jurisdiction and powers as by the laws of England were on the 4th day of March, 1837, possessed by the Court of Chancery in England, in respect of the matters hereinafter enumerated, that is to say :

(2) In all matters relating to trusts, executors and administrators, co-partnership and account, mortgages, awards, dower, infants, idiots, lunatics and their estates.

SECTION 32, SUB-SEC. 1, 3, 4, 5.

Jurisdiction
of Court of
Chancery in
respect to
leases, settled
estates, estates
of infants, and
special cases.

32.—(1) The High Court shall have the same jurisdiction as the Court of Chancery in England had on the 18th day of March, 1865, in regard to leases and sales of settled estates, and in regard to enabling infants, with the approbation of the Court, to make binding settlements of their real and personal estate on marriage ; and in regard to questions submitted for the opinion of the Court in the form of special cases on the part of such persons, as may by themselves, their committees or guardians, or otherwise, concur therein. R. S. O. 1877, c. 40, s. 85 ; 44 V. c. 5, s. 9.

(3) Infants and persons of unsound mind (not so found), required to be served with notice of any application to the High Court, may be served by delivering to the official guardian *ad litem* a copy of the petition or other proceeding required to be served ; and from the time of such service, the said official guardian shall be the guardian *ad litem* of the infant or person of unsound mind, unless and until the Court or Judge, otherwise orders ; and the said official guardian, or any other guardian appointed by the Court for the infant or person of unsound mind, shall take all such proceedings as he may think necessary for the protection of the interests of the infant or person of unsound mind in the proceeding in which he is so appointed guardian.

(4) In case there be more than one infant or person of unsound mind (not so found) for whom service is made on the official guardian *ad litem*, one copy only of the petition or other proceeding, need be so served, but the name of each person on whose behalf the official guardian is served, is to be stated on the copy served.

(5) Money realized from the sale or leasing of any settled estate or any interest therein, shall be paid, applied or invested as the Court or a Judge shall direct. 49 V. c. 16, s. 8.

SECTION 34, SUB-SEC. 3.

34. The High Court shall also have jurisdiction—

Jurisdiction.

3. In respect of lunatics and infants and their property and estates, as provided by *The Act respecting Lunatics* and *The Act respecting Infants*. R. S. O. 1877, c. 40, ss. 58, 75.

Lunatic and Infants.

CHAPTER 61, SECTION 11.

11. In an action or proceeding by or against a person found by inquisition to be of unsound mind, or being an inmate of a lunatic asylum, an opposite or interested party shall not obtain a verdict, judgment or decision therein, on his own evidence, unless such evidence is corroborated by some other material evidence. R. S. O. 1877, c. 62, s. 11.

In actions by or against lunatics, etc., evidence of opposite party to be corroborated.

CHAPTER 111, SECTION 40.

40. The time during which any person otherwise capable of resisting any claim to any of the matters mentioned in sections 34 to 39 inclusive of this Act, is an infant, idiot, *non compos mentis*, or tenant for life, or during which any action has been pending and has been diligently prosecuted until abated by the death of any party or parties thereto, shall be excluded in the computation of the period in said sections mentioned, except only in cases where the right or claim is thereby declared to be absolute and indefeasible. R. S. O. 1877, c. 108, s. 40.

Time during which a party could not act not to be computed against him. Imp. Act 2-3 W. iv, c. 71, s. 7.

CHAPTER 114, SECTION 45.

45. Where the witnesses to any instrument are dead or are out of this Province, or have become insane, idiotic, imbecile, or of unsound mind or understanding, and whether so found by inquisition or not, or where any instrument, not by law requiring an attesting or subscribing witness thereto, has been executed without any attesting or subscribing witness thereto, or in case it is proved to the satisfaction of the Judge in this section mentioned that the place of abode or residence of such first above mentioned witnesses is unknown, any person who is or claims to be interested in the registration of the instrument, may make proof before the Judge of any County Court in Ontario, of the execution of the instrument, and upon a certificate (according to the form of Schedule F to this Act), endorsed on the instrument and signed by the Judge, that

Witnesses insane, absent, etc.

the Judge is satisfied by the proof adduced of the due execution of the instrument, the Registrar shall register the instrument and certificate. R. S. O. 1877, c. 111, s. 47.

CHAPTER 132, SECTION 21, SUB-SEC. 1.

In what cases a married woman may obtain an order of protection for the earnings of her minor children.

Purport and effect of such order.

21.—(1) Any married woman having a decree for alimony against her husband, or any married woman who lives apart from her husband, having been obliged to leave him from cruelty or other cause which by law justifies her leaving him and renders him liable for her support, or any married woman whose husband is a lunatic with or without lucid intervals, or any married woman whose husband is undergoing sentence of imprisonment in the Provincial Penitentiary or in any gaol for a criminal offence, or any married woman whose husband from habitual drunkenness, profligacy, or other cause, neglects or refuses to provide for her support and that of his family, or any married woman whose husband has never been in this Province, or any married woman who is deserted or abandoned by her husband, may obtain an order of protection, entitling her, notwithstanding her coverture, to have and to enjoy all the earnings of her minor children, and any acquisitions therefrom, free from the debts and obligations of her husband and from his control or dispositions, and without his consent, in as full and ample a manner as if she continued sole and unmarried.

CHAPTER 133—SECTIONS 10, 11, 12 AND 13.

Dower on conveyance where wife is a lunatic confined in an asylum.

Dower to be ascertained and to be charge on land or secured for wife's benefit.

Fee.

10.—(1) Where an owner of land whose wife is a lunatic, or of unsound mind, and confined as such in a Lunatic Asylum, is desirous of selling or mortgaging the land free from dower, he may apply in that behalf to the Judge of the County Court of the County in which he resides or to a Judge of the High Court, and if the Judge approves, he may, by an order to be made by him in a summary way, upon such evidence as to the Judge seems meet, and either *ex parte* or upon such notice as he may deem requisite, dispense with the concurrence of the wife for the purpose of barring her dower, and also he shall ascertain and state in the order the value of such dower, and order such amount to remain a charge upon the property, or to be secured otherwise for the wife's benefit or to be paid and applied for her benefit as he deems best, and thereupon a conveyance or mortgage by the husband, expressed to be free from his wife's dower, shall, subject to the terms and conditions mentioned in the order, be sufficient to bar her right thereto, as if she were of sound mind, and had duly executed a deed jointly with her husband for that purpose.

(2) On every such application the Judge shall be entitled to his own use to a fee of \$5, and no other fee or charge of

any kind shall be payable in respect thereof, either to the Clerk, or otherwise. R. S. O. 1877, c. 126, s. 8 (1, 2); 44 V. c. 14, s. 3.

(3) This section shall apply to any case in which an agreement for sale has been made and a conveyance has been executed by the husband, and any part of the purchase money has been retained by the purchaser on account of dower, and to any case in which an indemnity has been given against the dower of the wife. R. S. O. 1877, c. 126, s. 9 *part*; 43 V. c. 14, s. 4.

Similar application to ascertain dower in certain other cases.

11. In case the Gaol Surgeon of any County or District in which a married woman resides, and another medical practitioner to be named by the Judge, shall each certify (Form A) that he has personally examined such married woman and that he is of opinion that she is insane, and the Judge of the County Court of the County in which such married woman resides, or a Judge of the High Court, also certifies (Form B) that he has personally examined such married woman, and that from such examination and from the evidence adduced before him, if such Judge thinks it expedient to hear evidence, he is of opinion that such married woman is insane, the said Judge may make the like order as by the preceding section of this Act is authorized in the case of a married woman of unsound mind who is confined in an Asylum for the Insane. The examination and certificates required by this section must all be made and granted within a period of one month, or such certificates shall not be acted upon by the said Judge, and the application shall not be entertained unless it is made within one month of the day upon which the last of such examinations took place. 44 V. c. 14, s. 2.

Judge's order as to dower where wife is lunatic but not confined in an asylum.

12. In case a Judge makes an order under any of the preceding three sections of this Act with reference to any parcel of land, he may afterwards make orders in respect of other sales or mortgages, either on the like evidence as is required for the first application or on any other evidence which may satisfy him of the continued insanity of the married woman. 44 V. c. 14, s. 4.

Subsequent orders by Judge as to other sales or mortgages.

13. Sections 9, 10, 11 and 12 of this Act shall apply to any case where any person owns or has the right to sell or mortgage (whether as trustee or otherwise) land which is subject to dower, whether such dower is inchoate or complete and whether the person applying is or is not the husband of the doweress. 46 V. c. 12, s. 1.

Application of ss. 9, 10, 11 and 12.

FORM A.

(Section 11.)

CERTIFICATE OF MEDICAL PRACTITIONER.

I, the undersigned (here set forth the qualification or degree of the person certifying: for example, "Licentiate of the Medical Board," "M. D. of the University of Toronto," etc.)
 legally qualified Medical Practitioner, residing and practising at
 in the County of do hereby certify that I, on the
 day of A. D. 18 , at
 in the County of separately from any other Medical
 Practitioner, personally examined A. B., of the Township of
 in the County of wife of C. D., of the Township of
 in the County of and I further certify that the said
 is insane, and that I have formed this opinion upon
 the following grounds, namely: (here state the facts upon which the Certificate is based).

Signed this day of
 A. D. 18 , at in the County of

44 V. c. 14, Form A.

FORM B.

(Section 11.)

CERTIFICATE OF JUDGE.

Province of Ontario, } I, the undersigned E. F.,
 County of }
 Judge of the County Court of the County of
 do hereby certify, that I on the day of
 A. D. 18 , personally examined A. B., of the of
 in the County of wife of C. D., of the of
 in the County of and I do hereby further
 certify that from such personal examination (and from the evidence of
 G. H. and J. K. adduced before me, if evidence has been taken by the judge)
 I am of the opinion that the said is insane.
 Signed this day of A. D. 18 , at
 in the County of

44 V. c. 14, Form B.

CHAPTER 149, SECTION 1.

Certain bodies
 may be
 delivered for
 study of
 anatomy.

1. In all localities coming under the provisions of this Act the body of any person found dead, publicly exposed, or sent to a public morgue, or who immediately before death had been supported in and by any public institution, shall be delivered to persons qualified as hereinafter mentioned, unless such body be within forty-eight hours after death claimed by relations or bona fide friends, or being a lunatic, dies in any Provincial Asylum for the insane; provided, nevertheless, that the authorities in whose care any body may be, shall not deliver the same to any person other than a known relative unless such person shall pay to the said authorities the sum of \$5 to defray

the funeral expenses of the body so claimed, the said sum to be paid over to the undertaker by the said authorities when satisfied that the body has been properly interred. 48 V. c. 31, s. 2

CHAPTER 157, SECTIONS 74 AND 45.

74.—(1) Where a company incorporated under any special Act or under this Act is authorized to execute the office of executor, administrator, trustee, receiver, assignee, guardian of a minor, or committee of a lunatic, then in case the Lieutenant-Governor in Council shall approve of such company being accepted by the High Court as a Trusts Company for the purposes of such Court, the said Court, or any Judge thereof, and every other Court or Judge having authority to appoint such an officer, may, with the consent of the company, appoint such company to exercise any of the said offices in respect of any estate, or person, under the authority of such Court or Judge, or may grant to such company probate of any will in which such company is named an executor; but no company which has issued, or has authority to issue, debentures shall be approved as aforesaid.

Appointment of companies to act as trustee, etc.

(2) Notwithstanding any rule of practice, or any provision of any Act requiring security, it shall not be necessary for the said company to give any security for the due performance of its duty as such executor, administrator, trustee, receiver, assignee, guardian or committee, unless otherwise ordered.

(3) The Lieutenant-Governor in Council may revoke the approval given under this section, and no Court, or Judge, after notice of such revocation, shall appoint any such company to be an administrator, trustee, receiver, assignee, guardian or committee, unless such company gives the like security for the due performance of its duty as would be required from a private person. 45 V. c. 17, s. 2 (1-3).

75. The liability of the company to persons interested in an estate held by the said company as executor, administrator, trustee, receiver, assignee, guardian or committee as aforesaid, shall be the same as if the estate had been held by any private person in such capacities respectively, and its powers shall be the same. 45 V. c. 17, s. 2 (4).

Liability of company acting as trustee.

CHAPTER 184, SECTION 520.

520. The County Council of each County shall, from time to time, make provision for the whole or partial support either in the County gaol or some other place within the County, of such insane destitute persons as cannot properly be admitted to the provincial asylums, and shall determine the sum to be paid for such support, and also the parties to whom such sums shall be paid by the County Treasurer. 46 V. c. 18, s. 520.

County council to make provision for the destitute insane.

CHAPTER 247.

An Act respecting Institutions for the Education and Instruction of the Deaf and Dumb and the Blind.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- | | |
|--|--|
| <p>The Institution at Belleville to be for the public use of the Province, etc.</p> <p>Name.</p> | <p>1. The institution founded and established at Belleville, for the education and instruction of the deaf and dumb, with all the lands, buildings, real estate and appurtenances thereunto attached, and whatever lands or real estate may hereafter be purchased or acquired for the same, and whatever buildings may hereafter be erected thereupon, shall be for the public use of the Province, and shall be known and designated as "The Ontario Institution for the Education and Instruction of the Deaf and Dumb." R. S. O. 1877, c. 222, s. 1.</p> |
| <p>The Institution at Brantford to be for the public use of the Province, etc.</p> <p>Name.</p> | <p>2. The institution founded and established at Brantford, for the education and instruction of the blind, with all the lands, buildings, real estate and appurtenances thereunto attached, and whatever lands or real estate may hereafter be purchased or acquired for the same, and whatever buildings may hereafter be erected thereupon, shall be for the public use of the Province, and shall be known and designated as "The Ontario Institution for the Education and Instruction of the Blind." R. S. O. 1877, c. 222, s. 2.</p> |
| <p>Objects of the institutions.</p> | <p>3. Such institutions respectively shall be for the purpose of educating and imparting instruction in some manual art to such deaf and dumb persons and to such blind persons as are born of parents, or are wards of a person <i>bona fide</i> resident of and domiciled in the Province of Ontario. R. S. O. 1877, c. 222, s. 3.</p> |
| <p>Appointment of officers.</p> <p>Salaries.</p> | <p>4. The Lieutenant-Governor may appoint to the said institutions respectively, to hold office during pleasure, a principal who shall be the chief executive officer of the same, a bursar, a physician, a matron, and such other officers, instructors and servants as he deems necessary; and may also fix and determine the salary of every such officer and servant. R. S. O. 1877, c. 222, s. 4.</p> |
| <p>Inspector and his powers.</p> | <p>5. The inspector of prisons and public charities shall be the inspector of the said institutions, and shall have and perform the same powers and duties in respect to the said</p> |

institutions as are conferred on him in respect of asylums for the insane by *The Prison and Asylum Inspection Act*. Rev. Stat. c. 250.
R. S. O. 1877, c. 222, s. 5.

6.—(1) The inspector shall have power, and it shall be his duty, to make such rules and by-laws as he deems expedient for the government, discipline and management of the said institutions; for prescribing and regulating the duties of the principals, bursars, physicians, matrons, and every other officer, instructor and servant employed in or about such institutions; for the education and instruction of the pupils admitted to the same; and, subject to the provisions hereinbefore contained, for fixing the terms and conditions upon which pupils shall be admitted to, and remain in, the said institutions respectively, and the period they shall be allowed to remain therein, and their discharge therefrom. Inspector to make rules for management, etc.

(2) No such rules or by-laws shall have any effect until and unless they are first approved by the Lieutenant-Governor in Council. R. S. O. 1877, c. 222, s. 6.

7. No person shall be admitted to either of such institutions except for the purposes of education and instruction, nor if over the age of twenty-one years, except upon the assent in writing of the inspector of prisons and public charities, and upon his report to the Provincial Secretary of the particulars and special circumstances which in the opinion of the inspector justify such admission; and the maintenance and support of any person admitted shall be in the discretion of the inspector, who, on exercise thereof in favour of such person, shall report every six months to the Provincial Secretary the particulars and special circumstances which justify such maintenance and support; and the Provincial Secretary in either case may annul the right of admission or of continuance in such institutions, and annul or vary the terms of continuance, support or maintenance. Admittance.
Maintenance.
Annuling admission.
R. S. O. 1877, c. 222, s. 7.

CHAPTER 248.

An Act to regulate Public Aid to Charitable Institutions.

SHORT TITLE, s. 1.	POWERS AND DUTIES OF INSPECTOR, ss. 11, 12.
INSTITUTIONS TO BE AIDED, s. 2.	INSTITUTIONS MAY BE ADDED TO SCHEDULES OR REMOVED THEREFROM, ss. 13, 14.
Proviso as to hospitals admitting small-pox patients, s. 6.	APPROVAL OF BY-LAWS FOR INSTITUTIONS NAMED IN SCHEDULES A. AND B., s. 15.
AMOUNT OF AID, ss. 3-8.	
RETURNS, s. 9.	
Penalty for false return, s. 10.	

HER MAJESTY, by and with the advice and consent of Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title. 1. This Act may be cited as "*The Charity Aid Act.*" R. S. O. 1877, c. 223, s. 1.

Aid to be given to certain charitable institutions. 2. Aid from the public funds or moneys of this Province shall be given to charitable institutions hitherto receiving public aid, and named in schedules A, B and C, upon the terms and under the provisions of this Act. R. S. O. 1877, c. 223, s. 2.

Amount of aid. 3. In case of public moneys being appropriated for the purposes of this Act by the Legislative Assembly, every institution named in said Schedules complying with the requirements of this Act, and of all Orders made hereunder by the Lieutenant-Governor in Council, shall receive in each year aid from such moneys to the extent and amount following, that is to say :

1. Every institution named in Schedule A shall so have and receive 20 cents for each day's actual treatment and stay of every patient admitted to, or being within such institution during the calendar year next preceding the year for which such aid is given ;

2. Every institution named in Schedule B shall so have and receive 5 cents for each day's actual lodgment and maintenance therein of any indigent person during the calendar year next preceding that for which such aid is given ;

3. Every institution named in Schedule C shall so have and receive 1½ cents for each day's actual lodgment and

maintenance therein of any orphan or neglected and abandoned child, during the calendar year next preceding that for which such aid is given. R. S. O. 1877, c. 223, s. 3.

4.—(1) In every year, every such institution shall also Further aid. be entitled to have and receive from such public funds further aid to the extent and amount following, that is to say :

1. Every institution named in Schedule A, 10 cents ;
 2. Every institution named in Schedule B, 2 cents ; and
 3. Every institution named in Schedule C, one-half cent,
- for every such day's actual stay and treatment, or lodgment and maintenance of any patient or person therein, as aforesaid ;

(2) But the aggregate amount of such further aid, at the rate aforesaid, shall not, in any one year, exceed one-fourth of the entire moneys received by such institution in said preceding year from all sources other than the Province, towards the ordinary yearly maintenance thereof, and in every such case, where said further aid in the aggregate would exceed said one-fourth of the last-mentioned moneys, there shall be substituted and given in lieu thereof, from the public moneys so appropriated, a sum equal to the said one-fourth of the last mentioned moneys. Proviso—Limit of amount of aid. R. S. O. 1877, c. 223, s. 4.

5. In calculating the amount of aid so to be given under this Act to any institution as aforesaid, the day of departure of any patient or person from such institution shall not be counted or reckoned. How amount to be calculated. R. S. O. 1877, c. 223, s. 5.

6. No warrant shall issue for the payment of any sum of money granted by the Legislature to any hospital to which small-pox patients are admitted unless a certificate has been filed with the Clerk of the Executive Council signed by a medical officer of such hospital, to the effect that there is in such hospital a distinct and separate ward set apart for the exclusive accommodation of patients afflicted with small-pox. No money to be paid to any Hospital admitting small-pox patients unless it has a special ward. R. S. O. 1877, c. 223, s. 6.

7. The Treasurer of the Province, with the authority of the Lieutenant-Governor in Council, may, from any moneys appropriated for that purpose by the Legislative Assembly, advance and pay, by such periodical payments in every year as the Lieutenant-Governor in Council deems fit, to any institution entitled to receive aid under this Act, all sums to which such institution may be so entitled ; but if in any year the aggregate aid payable under this Act exceeds the amount of the moneys so appropriated, then every such institution shall in such year receive by way of aid, as aforesaid, such sum only as will bear the same proportion to the amount of aid, which, but for this section it would receive, as the amount of moneys so appropriated, bears to such aggregate aid as aforesaid. Treasurer of Province to pay over amounts. Proviso in case aid is in excess of sum granted. R. S. O. 1877, c. 223, s. 7.

Case of a residue of appropriation.

8. If there is a residue of the moneys so appropriated, because of the same being more than sufficient to pay the sums payable to the said institution as aforesaid, then every of the institutions named in the schedules, which may not be entitled to receive under the foregoing provisions the sum set opposite to its name in the schedules, that being the sum heretofore granted thereto, shall receive out of the residue such an amount by way of supplementary aid as will make the total aid under this Act received by the institution equal to the sum so set opposite its name, if the residue is sufficient for that purpose, or if insufficient, then such proportion thereof as the residue will permit of. R. S. O. 1877, c. 223, s. 8.

Returns.

9. The Lieutenant-Governor in Council shall from time to time, by Order in Council, fix and direct the particulars to be contained in, and the form, manner and time of making such return or returns as to the Lieutenant-Governor in Council may, for the due carrying out of the provisions of this Act, seem proper with regard to such institution, and, by like Order in Council shall fix and direct the form and manner of oath (if any) required for the verification of any such return, and the person by whom such oath shall be made; and any such oath may be taken before and administered by a Justice of the Peace or commissioner for taking affidavits. R. S. O. 1877, c. 223, s. 9.

Penalty in case of false return.

10. Any person who knowingly and wilfully makes, or is a party to, or procuring to be made, directly or indirectly, any false return, either under this Act or any Order in Council, shall thereby incur a penalty of \$1,000, which penalty may be recovered, with costs, by civil action or proceeding, at the suit of the Crown only, in any form allowed by law, and before any Court of the Province having jurisdiction to the amount of such penalty in cases of simple contract. R. S. O. 1877, c. 223, s. 10.

Inspector.

11. The inspector of prisons and public charities shall, by virtue of his office, be the inspector of every institution receiving aid under this Act. R. S. O. 1877, c. 223, s. 11.

Duties of Inspector.

12. The inspector shall, from time to time, visit and inspect every such institution, and make all proper inquiries as to the maintenance, management and affairs thereof; and by examination of the registers and such other means as he may deem necessary, particularly satisfy himself as to the correctness of any returns made under this Act, or under any Order in Council in that behalf, as aforesaid; upon all which matters he shall make report to the Lieutenant-Governor in Council. R. S. O. 1877, c. 223, s. 12.

13.—(1) The Lieutenant-Governor in Council may, by Order in Council, direct that any institution (naming it) similar to those named in either of said schedules, shall be thereafter taken as named in such one of the schedules as in that behalf is specially designated in such Order; and thereupon and thereafter said last mentioned institution shall receive aid under this Act after the manner and to the same extent as the other institutions now named in said last mentioned schedule.

Lieutenant-Governor in Council may name similar institutions to those mentioned to receive aid,

(2) No Order in Council shall be made except upon report of the inspector of prisons and public charities to and for the information of the Lieutenant-Governor in Council, shewing that the institution named in the Order has all the usual and proper requirements for one of its nature and objects and that, for reasons therein stated, the same ought to be aided under this Act.

upon report of the Inspector.

(3) Every Order in Council shall, as soon as conveniently may be after the making thereof, be laid before the Legislative Assembly for its ratification or rejection, and no Order shall be operative unless and until the same has been ratified by a resolution of the Legislative Assembly. R. S. O. 1877, c. 223, s. 13.

Order in Council to be submitted to Legislative Assembly.

14. The Lieutenant-Governor in Council may, by Order in Council, direct that any institution receiving aid under this Act shall not, after the date of the Order, receive any aid; and thereupon, and whilst the Order remains unrevoked, such last mentioned institution shall not be entitled to or receive any further aid from the public moneys of the Province; but upon report of the inspector, disclosing good and sufficient grounds in that behalf, it shall always be competent for the Lieutenant-Governor in Council to revoke such last mentioned Order by a subsequent Order in Council, and thereafter such institution shall again receive aid under this Act, and shall be subject to all its provisions, as if the Order in Council firstly in this section mentioned had not been made; and if at any time, upon report of the inspector, it is found that any institution of the character named in Schedule A is insufficient, or without the necessary and proper accommodation or requirements for one of its nature and objects, the Lieutenant-Governor in Council shall thereupon make such Order as is firstly in this section mentioned. R. S. O. 1877, c. 223, s. 14.

Lieut.-Governor in Council may order aid to be discontinued,

but upon report of Inspector, order may be revoked.

15. No by-laws or regulations adopted by the directors or managers, or other body or persons having the control or management of any institution named in Schedules A and B, for the government and management of such institution, or for prescribing the method and terms of admission thereto, or defining and regulating the duties and powers of the officers and servants thereof, and the salaries (if any) of such officers and servants, shall have force or effect unless and until the

Managers of institutions to make by-laws and submit same to Lieut.-Governor in Council.

same have been approved of by the Lieutenant-Governor in Council, upon the report of the inspector of prisons and public charities. R. S. O. 1877, c. 223, s. 15.

SCHEDULE A.

(Sections 2, 3, 4, 8 and 13.)

Toronto General Hospital	\$11,200 00
The City Hospital, Hamilton	4,800 00
Kingston Hospital, Kingston	4,800 00
Hotel Dieu Hospital, Kingston	1,000 00
County of Carleton General Protestant Hospital, Ottawa	1,200 00
The General Roman Catholic Hospital, Ottawa	1,200 00
The General Hospital, London	2,400 00
The General and Marine Hospital, St. Catharines	1,000 00
The Burnside Lying-in Hospital, Toronto	480 00
The Toronto Eye and Ear Infirmary	1,000 00

R. S. O. 1877, c. 223, Sched. A.

Belleville Hospital, Belleville.
 John H. Stafford Hospital, Brantford.
 General Hospital, Guelph.
 St. Joseph's Hospital, Guelph.
 General Hospital, Mattawa.
 House of Mercy Lying-in Hospital, Ottawa.
 General Hospital, Pembroke.
 St. Joseph's Hospital, Port Arthur.

SCHEDULE B.

(Sections 2, 3, 4, 8 and 13.)

The House of Industry, Toronto	\$2,900 00
The House of Providence, Toronto	1,000 00
The House of Industry and Refuge for Indigent Sick, Kingston	2,400 00
The House of Refuge, Hamilton	720 00

R. S. O. 1877, c. 223, Sched. B.

Home for Incurables, Toronto.
 Aged Women's Home, Toronto.
 Home for Aged Women, Hamilton.
 House of Providence, Kingston.
 Home for Aged and Friendless, London.
 Home for Aged Women, London.
 Roman Catholic House of Refuge, London.
 St. Patrick's House of Refuge, Ottawa.
 St. Charles' Hospice, Ottawa.
 House of Providence, Guelph.
 Protestant Home (Refuge Branch), St. Catharines.
 The Home, St. Thomas.
 House of Providence, Dundas.
 Home for the Friendless, Chatham.
 Widow's Home, Brantford.
 Home for the Friendless, Belleville.
 Protestant Home, Peterborough.

SCHEDULE C.

(Sections 2, 3, 4, 8 and 13.)

The Orphans' Home and Female Aid Society, Toronto	\$640 00
Roman Catholic Orphan Asylum, Toronto	640 00
The Toronto Magdalen Asylum	480 00
The Girls' Home and Public Nursery, Toronto	320 00
The Boys' Home, Toronto	320 00
The Orphans' Home, Kingston	640 00
The Roman Catholic Orphan Asylum, London	640 00
The St. Mary's Orphan Asylum, Hamilton	640 00
The Hamilton Orphan Asylum	640 00
The St. Patrick's Orphan Asylum, Ottawa	480 00
The Orphans' Home, Ottawa	480 00
The St. Joseph's Orphan Asylum, Ottawa	480 00
The Magdalen Asylum, Ottawa.....	480 00

R. S. O. 1877, c. 224, Sched. C.

Industrial Refuge, Toronto.
 Newsboys' Lodgings, Toronto.
 Infants' Home, Toronto.
 St. Nicholas' Home, Toronto.
 Hospital for Sick Children, Toronto.
 Boys' Home, Hamilton.
 Girls' Home, Hamilton.
 Home of the Friendless and Infants' Home, Hamilton.
 House of Providence Orphan Asylum, Kingston.
 Hotel Dieu Orphan Asylum, Kingston.
 Protestant Orphans' Home, London.
 Women's Refuge and Infants' Home, London.
 Protestant Home (Orphanage Branch), St. Catharines.
 Orphan Asylum, St. Agatha.
 The Home (Orphanage Branch), St. Thomas.
 Orphans' Home, Fort William.

*EXTRACTS FROM CHAPTER 142, RELATING TO
 APPRENTICING MINORS.*

6. A parent, guardian, or other person having the care or charge of a minor, or any charitable society being authorized by the Lieutenant-Governor in Council to exercise the powers conferred by this Act, and having the care or charge of a minor, the minor being a male and not under the age of fourteen years, may, with the consent of the minor, put and bind him as an apprentice by indenture to any respectable and trustworthy master-mechanic, farmer, or other person carrying on a trade or calling, for a term not to extend beyond the minority of the apprentice; or in case of a female not under the age of twelve years, may, with her consent, bind the minor to any respectable and trustworthy person carrying on any trade or calling, or to

Power of
 parents, chari-
 table societies,
 etc., to bind
 minors.

domestic service with any respectable and trustworthy person for any term not to extend beyond the age of eighteen years. R. S. O. 1877, c. 135, s. 6.

Charitable societies may be authorized to exercise powers under this Act.

29. The Lieutenant Governor in Council may authorize any charitable society, incorporated or unincorporated, to exercise for a limited time or otherwise, the powers conferred by this Act, and may revoke or suspend any Order in Council made for that purpose; and after such revocation such Society shall not possess the authority to exercise such powers unless and until again authorized by Order in Council. R. S. O. 1877, c. 135, s. 29.

CHAPTER 249.

An Act for the Protection of Women in Certain Cases.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Protection of persons confined in asylums. Rev. Stat. c. 250.

1. No person shall at any time or place within the precincts of any institution to which *The Prison and Asylum Inspection Act* applies, unlawfully and carnally know any female who is capable in law of giving her consent to such carnal knowledge while she is a patient or is confined in such institution. 50 V. c. 45, s. 1.

Penalty.

2. Whosoever violates section 1 of this Act is guilty of an offence, and shall be liable to be imprisoned in any gaol or place of confinement, other than the Penitentiary, for any term less than two years, with or without hard labour. 50 V. c. 45, s. 2.

Accused a competent witness.

3. The person charged shall be a competent witness in his own behalf. 50 V. c. 45, s. 3.

Civil remedy not affected.

4. Nothing in this Act contained nor any conviction obtained in pursuance thereof shall deprive any person of the right to maintain an action for damages against the person so charged. 50 V. c. 45, s. 4.

See R. S. C. 1886, Chap. 157, Sec. 3 (b).

CHAPTER 250.

An Act to provide for the Inspection of Asylums,
Hospitals, Prisons and Court Houses.

SHORT TITLE, s. 1.	As to asylums, ss. 13-15.
INTERPRETATION, s. 2.	As to hospitals, ss. 16, 17.
AMENDMENT OF RULES, s. 3.	As to private asylums, s. 18.
APPOINTMENT OF INSPECTORS, ss. 4-8.	As to other institutions, s. 19.
Senior Inspector, ss. 6, 7.	Report, ss. 20, 21.
Reference to Inspector in Statutes, s. 8.	GAOLS, CONSTRUCTION AND ALTERATION, ss. 22-25.
Salaries, s. 9.	INSPECTION OF COURT HOUSES, s. 26.
DUTIES AND POWERS OF INSPECTORS:	DEPUTIES OF INSPECTOR, s. 27.
As to gaols, etc., ss. 10-12.	ACTIONS UNDER THIS ACT, s. 28.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as “*The Prison and Asylum Inspection Act.*” R. S. O. 1877, c. 224, s. 1. Short title.

2. In the construction of this Act the word “county” shall be held to mean county or union of counties. R. S. O. 1877, c. 224, s. 2. Meaning of “County.”

3. The rules and regulations in force for the government of all public asylums, hospitals, common gaols, and reformatory and other prisons in this Province, other than the provincial penitentiary, may, from time to time, be amended, altered, changed, rescinded, or suspended, by order of the Lieutenant-Governor in Council. R. S. O. 1877, c. 224, s. 3. Amendment of rules.

4. The Lieutenant-Governor may appoint two fit and proper persons to be each an inspector of the public asylums, hospitals, common gaols and reformatories in this Province, other than the provincial penitentiary. R. S. O. 1877, c. 224, s. 4; 46 V. c. 30, s. 1. Appointment of inspectors.

5. The Lieutenant-Governor may, from time to time, by Order in Council, designate what public and other institutions requiring inspection are to be inspected by each inspector, or by either inspector, or by both inspectors, and may otherwise define the duties of the inspectors, and each of them. 46 V. c. 30, s. 2. Lieutenant-Governor may define duties of Inspector.

Senior
Inspector to
be a corpora-
tion sole.

6. For the purposes of chapters 238 to 248 of these Revised Statutes, the inspector for the time being whose commission bears the earlier date, shall be a corporation sole, by the name of "The Inspector of Prisons and Public Charities," and by that name he and his successors in office shall have perpetual succession, and may sue and be sued, and may plead and be impleaded in any of Her Majesty's Courts in this Province; and he may hereafter be referred to in any Statute or otherwise as the senior inspector of prisons and public charities. R. S. O. 1877, c. 224, s. 5; 46 V. c. 30, s. 3 (1) *part*.

Rev. Stat.
c. 245,
ss. 47-49, 51-54,
57-59, to
apply to the
Senior In-
spector.

7.—(1) Sections 47, 48, 49, 51, 52, 53, 54, 57, 58 and 59 of *The Act respecting Lunatic Asylums, and the Custody of Insane Persons*, shall apply to the senior inspector. 46 V. c. 30, s. 3 (1) *part*.

(2) In case of the death, removal or resignation of such senior inspector, all the rights, powers, duties, obligations, moneys or estates under the said sections, or under anything done in pursuance thereof, which shall be vested in him, or shall belong to him, either by his name of office or in his corporate capacity, at the time of his death, removal or resignation, shall thereupon become vested in, and shall belong to, the surviving inspector, as the successor of the senior inspector; or if there is then no other inspector, the same shall immediately upon the first appointment of an inspector, vest in, and belong to, the inspector so appointed.

(3) The Lieutenant-Governor in Council may by order direct that the rights, powers, duties, obligations, moneys or estates vested in or belonging to the senior inspector, shall become vested in and shall belong to the other inspector; and thereupon the rights, powers, duties, obligations, moneys or estates, vested in or belonging to the senior inspector as aforesaid, shall upon and by virtue of such order become vested in and belong to the other inspector as fully as if the senior inspector had died. 46 V. c. 30, s. 3 (2, 3).

Reference in
Statutes to In-
spector to ap-
ply to either
Inspector.

8. Except as in the next preceding two sections provided, where the inspector of prisons and public charities is referred to in any Statute, by this or any other name, the reference shall be held to apply to either of such inspectors, or to that one of them to whom, under an order of the Lieutenant-Governor in Council, the duty or power to which the reference relates belongs. 46 V. c. 30, s. 4.

Inspectors'
salaries.

9. The salaries of the inspectors shall be such amount as may be appropriated by the Legislature therefor. R. S. O. 1877, c. 224, s. 6; 41 V. c. 2, s. 39, Sched. B.

Inspectors'
duties.

10. It shall be the duty of one of the inspectors to visit and inspect every gaol, house of correction, reformatory and prison

or place kept or used for the confinement of persons, in any part of this Province, other than the provincial penitentiary, at least twice in each year, and he may examine any person holding any office or receiving any salary or emolument in such place of confinement, as aforesaid, and call for and inspect all books and papers relating to such place of confinement; and may enquire into all matters concerning the said place of confinement; and each inspector shall make a separate and distinct report in writing to the Lieutenant-Governor of the state of every place of confinement visited by him. Report to Lieutenant-Governor.
R. S. O. 1877, c. 224, s. 7.

11. Where the inspector considers it expedient to institute an enquiry into the management of any of the said institutions, or of any other institution subject to be inspected by him, or into any matter in connection therewith, or into the truth of any return made by the officers of any of the said institutions, and considers it expedient that any of the officers of such institution or any other person should be required to give evidence before him on oath, the inspector shall have the same power to summon such officers or other persons to attend as witnesses, to enforce their attendance, and to compel them to produce documents and to give evidence, as any Court has in civil cases. Power of Inspector in instituting inquiries into institutions subject to his inspection.
R. S. O. 1877, c. 224 s. 8.

12.—(1) The inspectors shall have power from time to time, subject to the approval of the Lieutenant-Governor in Council, to alter, amend, cancel or rescind any existing rules or regulations for the government of the common gaols of this Province, and to frame and adopt other rules and regulations in that behalf, touching or extending to— Power to rescind existing regulations, and to frame others.

(a) The maintenance of prisoners in regard to diet, clothing, bedding, and other necessities ;

(b) Their employment ;

(c) Medical attendance ;

(d) Religious instruction ;

(e) The conduct of the prisoners, and the restraint and punishment to which they may be subjected ;

(f) Also to the treatment and custody of the prisoners generally, the whole internal economy and management of the gaol, and all such matters connected therewith as may be considered by them expedient, which rules and regulations shall be submitted to the Lieutenant-Governor for his approval and confirmation. Regulations to be submitted to Lieut.-Governor.

(2) Nothing herein contained shall be held to prevent the county councils in this Province from making such special regulations as the peculiar circumstances of their respective gaols and localities may, in their opinion, require, such special regu- Special regulations by County Councils.

lations not being inconsistent with this Act, or with the general rules and regulations to be made by the inspectors and approved by the Lieutenant-Governor, as aforesaid. R. S. O. 1877, c. 224, s. 9.

Examination
of lunatic
asylums.

13. With respect to the asylums for the insane, at Toronto, London, Hamilton, Kingston and Orillia, an inspector shall at least three times a year, thoroughly examine the manner in which the said institutions are conducted, respectively, and examine the reports respectively made to him by the medical superintendents and bursars. R. S. O. 1877, c. 224, s. 10.

By-laws.

14. The inspectors shall from time to time frame such by-laws as seem to them most conducive to the peace, welfare and good government of the said asylums, which said by-laws shall have effect when the Lieutenant-Governor has signified his assent thereto. R. S. O. 1877, c. 224, s. 11.

Inspector's
annual re-
port.

15. Each inspector shall, with his annual report to the Lieutenant-Governor, transmit the reports made to him by the medical superintendents and bursars, with his observations thereon. R. S. O. 1877, c. 224, s. 12.

Inspection of
hospitals.

16. An inspector shall, at least twice a year, and oftener if ordered by the Lieutenant-Governor, visit, examine and report upon the state and management of every hospital or other benevolent institution supported wholly by grant of public money, or by money levied under the authority of law. R. S. O. 1877, c. 224, s. 13.

Report of the
management,
etc.

17. An inspector, whenever required by the Lieutenant-Governor so to do, shall visit, examine, and report to him upon the state, management and condition of every hospital or other benevolent institution supported, in part, by grant of public money, and, in case of refusal of admission into the same for the purpose of inspection, shall forthwith report such refusal to the Lieutenant-Governor, with the circumstances attending the same. R. S. O. 1877, c. 224, s. 14. See cap. 248, s. 11.

Report on
private luna-
tic asylums.

Rev. Stat.
c. 246.

R
license.

18. An inspector, whenever required to do so by the Lieutenant-Governor, and at least once in the year, shall visit, examine and report to him upon the state and management of every private lunatic asylum established under the provisions of *The Act respecting Private Lunatic Asylums*, and upon the condition of its inmates, and the Lieutenant-Governor in Council, after the receipt of any such report of the inspector may, suspend or revoke the license granted under the said Act. R. S. O. 1877, c. 224, s. 15.

Asylum for
idiots, deaf,
dumb, and
blind.

19. Each inspector shall have and perform the same powers and duties with respect to any other lunatic asylum or any asylum for idiots, or for the deaf, dumb or blind, that may

have been, or may be, erected at the public expense, as are vested in him by this Act with respect to the asylums for the insane hereinbefore mentioned. R. S. O. 1877, c. 224, s. 16.
See cap. 247, s. 5.

20. Each inspector shall keep an exact record of his proceedings, and transmit a copy thereof to the Lieutenant-Governor, under the hand of the said inspector. R. S. O. 1877, c. 224, s. 17.

Copy of proceedings to be sent to Lieut.-Governor.

21. Each inspector shall make an annual report to the Lieutenant-Governor as soon as may be after the 1st day of October in each year, which report shall contain a full and accurate report on the state, condition and management of the several asylums, hospitals, gaols and other institutions under his inspection, and inspected by him during the preceding year, together with such suggestions for the improvement of the same as he may deem necessary and expedient, and which report, as far as respects the reformatories under his inspection, shall comprise and embrace the following particulars, viz.:

General Annual Report.

Suggestions for improvements.

1. A copy of the warden's report to the inspector ;
2. Copies of the chaplain's report to the inspector ;
3. Copy of the physician's annual report ;

Particulars.

4. A return of the names, ages, country, calling and crimes of the offenders received into the reformatory during the year, and the township, county, town and city from which each came ;

5. A return of the names, ages, callings and crimes of the offenders who died in the reformatory during the year, and the township, county, town and city from which each came ;

6. A similar return of the offenders liberated during the year, by the expiration of the term for which they were sentenced ;

7. A similar return of the offenders who had the Royal pardon extended to them during the year ;

8. A tabular statement shewing the number of prisoners in the reformatory at the date to which the last previous annual report was made up, the number received during the year, the number discharged, the number then in confinement, and the average number in the reformatory during the year, shewing the particulars separately as to the male and female prisoners ;

9. A balance sheet of the affairs of the institution, at the 1st day of October of the year reported upon, shewing the amount of cash received from the public exchequer since the commencement of the institution and the existing assets thereof ;

10. A cash balance for the past year, shewing the sum on hand on the 1st day of October, the cash received through

the year from Government towards the support and expenses of the prison, the amount received for convict labour, and the amounts received on all other accounts during the year; the said balance sheet shall also shew separately the sums paid for food, bedding, clothing and hospital stores for the offenders, the salaries of the officers, fuel and light, for the erection of new buildings and repairs, for the support of the stable, and for all other items of expenditure, also the cash on hand at the close of the year;

11. A statement of all debts due by the institution, shewing the names of the parties to whom each sum is due, also shewing the debts, if any, due to the institution, with the amounts and ground of each debt;

12. An inventory and valuation of all the property, estate and effects of the institution, distinguishing the estimated value of the several descriptions of property;

13. An estimate of the receipts and expenditures for the current year, and of the amount of aid likely to be required from the Provincial Exchequer;

14. A statement shewing in what manner the offenders were employed as at the 1st day of October of the year reported on, and the average number at each trade or occupation during the year. R. S. O. 1877, c. 224, s. 18.

Construction
of gaols.

22. Every gaol erected in this Province shall be constructed and built according to a plan to be approved of by the inspector, and sanctioned by the Lieutenant-Governor; and no gaol built after the 4th day of March, 1868, in any county in Ontario, otherwise than according to a plan approved and sanctioned as aforesaid, or that does not, after its completion, receive the approval of the inspector, shall be deemed to be in law the gaol of such county. R. S. O. 1877, c. 224, s. 19.

Gaol plans,
consideration
of.

23. An inspector, before deciding in any case upon the plan of a gaol most proper to be adopted, shall take into consideration—

Particulars.

1. The nature and extent of the ground upon which such gaol or court house has been or is to be built;

2. Its relative situation to any streets and buildings, and to any river or other water;

3. Its comparative elevation and capability of being drained;

4. The material of which it has been or is to be composed;

5. The necessity of guarding against cold and dampness, and of providing properly for ventilation;

6. The proper classification of prisoners, having regard to their age, sex, and cause of their confinement;

7. The best means of ensuring their safe custody without the necessity of resorting to severe treatment ;

8. The due accommodation of the keeper of the gaol, so that he may have ready access to the prisoners and conveniently oversee them ;

9. The exclusion of any intercourse with persons without the walls of the building ;

10. The prevention of nuisances, from whatever cause ;

11. The combining provision, as well for the reformation of convicts, as far as may be practicable, as for their employment, in order that the common gaols may really serve for places of correction ;

12. The admission of prisoners to air and exercise without the walls of the building ; and

13. The enclosure of the yard and premises with a secure wall. R. S. O. 1877, c. 224, s. 20.

24. In case an inspector at any time finds that the common Gaol repairs.
gaol in any county or city in this Province is out of repair—or is or has become unsafe or unfit for the confinement of prisoners, or is not constructed or maintained in conformity with the provisions of the next preceding section, or that the same does not afford sufficient space or room for the number of prisoners usually confined therein—he shall forthwith report the fact to the Lieutenant-Governor, and shall at the same time furnish a copy of such report to the council of the county or city to which such common gaol belongs, and the council shall thereupon appoint a special committee to confer with the inspector, Report to the Lieut.-Governor.
and to arrange with him as to the repairs, alterations or additions that may be deemed necessary to remedy the defect so reported upon by the inspector, and to report the same to the council, and in case the inspector and the committee do not agree upon the repairs, alterations and additions, the matter shall then be referred to the Lieutenant-Governor in Council to decide between them, which decision shall be reported to the council ; and it shall be the duty of the council Copy furnished to the County Council.
in either case, by by-law, to order and provide for the making of the repairs, alterations or additions, and for the appropriation of any money that may be required for that purpose, and in default thereof the council may be proceeded against by *mandamus* issued out of the High Court at the instance In default of repairs—proceeding by *mandamus*.
and prosecution either of the Attorney-General for Ontario or any private prosecutor, to compel the making by the council of such repairs, alterations or additions, and the council and the members and officers thereof shall be subject to all the process of the Courts for contempt of the orders or process thereof. R. S. O. 1877, c. 224, s. 21.

Repairs to be made with due regard to the ability of the Council to meet the expense.

25. The inspector and the special committee of the county or city council shall, in arranging the particulars of the necessary repairs, alterations or additions, as aforesaid, have due regard to the plan of the gaol, and to the ability of the council to meet the expense thereof, and in the case of alterations or additions, shall make the same as few and inexpensive as, in their opinion, the requirements of this Act and of the public service will admit. R. S. O. 1877, c. 224, s. 22.

Inspection of court houses.

26. The provisions of this Act as to the inspection, construction, and repairing of gaols shall, so far as may be, apply to court houses. 44 V. c. 5, s. 89.

Lt.-Governor may authorize persons to assist the Inspector of Prisons and Public Charities.

27. The Lieutenant-Governor may authorize such person or persons as he thinks fit, to perform, under the supervision of an inspector, or otherwise as the Lieutenant-Governor may direct, any of the duties belonging to the office of the inspector, and in the performance of the duties such person or persons may exercise the like powers and authorities as are possessed by the inspector. R. S. O. 1877, c. 224, s. 25.

Action for anything done under this Act.

28. All actions and prosecutions against any person or persons for anything done in pursuance of this Act, shall be laid and tried in the county where the fact was committed, and shall be commenced within six months after the fact committed, and not otherwise or afterwards. R. S. O. 1877, c. 224, s. 26.

EXTRACTS FROM CERTAIN ACTS RELATING TO COMMON GAOLS, LOCK-UPS AND COURT-HOUSES.

CHAPTER 1, SEC. 8, SUB-SEC. 29.

Imprisonment where to be when no special place is mentioned.

27. If in any Act any party is directed to be imprisoned or committed to prison, such imprisonment or committal shall, if no other place is mentioned or provided by law, be in or to the Common Gaol of the locality in which the order for such imprisonment is made, or if there be no Common Gaol there, then in or to that Common Gaol which is nearest to such locality; and the keeper of any such Common Gaol shall receive such person, and him safely keep and detain in such Common Gaol under his custody until discharged in due course of law, or bailed in cases in which bail may by law be taken.

CHAPTER 24, SEC. 13,

Lands may be set apart for certain public purposes, and

13. The Lieutenant-Governor in Council may set apart and appropriate such of the Crown Lands as he may deem expedient for the sites of Wharves and Piers, Market Places, Gaols,

Court Houses, Public Parks or Gardens, Town Halls, Hospitals, Places of Public Worship, Burying Grounds, Schools, and for purposes of Agricultural Exhibitions, and for other like public purposes, and for Model or Industrial Farms; and at any time before the issue of letters patent therefor, may revoke such appropriation as seems expedient; and may make free grants for the purposes aforesaid, and the trust and uses to which they are to be subject shall be expressed in the letters patent; but no such grant shall be for more than ten acres in any one instance, and for any one of the purposes aforesaid, except for a Model or Industrial Farm, which shall not exceed one hundred acres. R. S. O. 1877, c. 23, s. 13.

free grants thereof made in trust.

Proviso.

CHAPTER 44, SEC. 150

All Gaols in Ontario shall be prisons of the High Court. R. S. O. 1877, c. 40, s. 18.

Gaols to be prisons of the High Court.

CHAPTER 80, SEC. 3.

3. Upon the death of any prisoner, the Warden, Gaoler, Keeper or Superintendent of any Penitentiary, Gaol, Prison, House of Correction, Lock-up house, or House of Industry in which the prisoner dies, shall immediately give notice thereof to some Coroner of the County, City or Town in which the death has taken place, and the Coroner shall proceed forthwith to hold an inquest upon the body. R. S. O. 1877, c. 79, s. 3.

Proceedings in case of the death of any prisoner.

CHAPTER 184, SEC. 452, ET SEQ.

452. Every County Council may pass by-laws for erecting, improving and repairing a Court-House, Gaol, House of Correction, and House of Industry, upon land being the property of the Municipality, and shall preserve and keep the same in repair, and provide the food, fuel and other supplies required for the same. 46 V. c. 18, s. 451.

County council may pass by-laws as to county buildings;

453. Every County Council may, when a Court-House is required to be erected within the limits of a city, pass by-laws for entering upon, taking, using, and acquiring such land as may be necessary or convenient for the purposes of such Court-House. 46 V. c. 18, s. 452.

And for acquiring land for court-houses in cities.

454. The Gaol, Court-House, and House of Correction of the County in which a Town or City, not separated for all purposes from a County, is situate, shall also be the Gaol, Court-House, and House of Correction of the Town or City, and shall, in the case of such City, continue to be so until the Council of the City otherwise directs; and the Sheriff, Gaoler and Keeper of the Gaol and House of Correction shall receive

Gaols and court-houses in counties and cities, etc., not separated.

and safely keep, until duly discharged, all persons committed thereto by any competent authority of the Town or City. 46 V. c. 18, s. 453.

City councils may erect, etc., certain public buildings.

455. The Council of any City may erect, preserve, improve and provide for the proper keeping of a Court-House, Gaol, House of Correction and House of Industry, upon lands being the property of the Municipality, and may pass by-laws for all or any of such purposes. 46 V. c. 18, s. 454.

Lock-up houses may be established by county councils.

456. The Council of every County may establish and maintain a Lock-up House, or Lock-up Houses, within the County, and may establish and provide for the salary or fees to be paid to the Constable to be placed in charge of every such Lock-up House, and may direct the payment of the salary out of the funds of the County. 46 V. c. 18, s. 455.

A constable to be placed in charge.

457. Every Lock-up House shall be placed in the charge of a Constable specially appointed for that purpose by the Magistrates of the County at a General Sessions of the Peace therefor. 46 V. c. 18, s. 456.

Lock-up houses.

458. The Council of every City, Town, Township, and incorporated Village may, by by-law, establish, maintain and regulate Lock-up Houses for the detention and imprisonment of persons sentenced to imprisonment for not more than ten days under any by-law of the Council; and of persons detained for examination on a charge of having committed any offence; and of persons detained for transmission to any Common Gaol or House of Correction, either for trial or in the execution of any sentence; and such Councils shall have all the powers and authorities conferred on County Councils in relation to Lock-up Houses. 46 V. c. 18, s. 457.

Joint lock-up houses.

459. Two or more Municipalities may unite to establish and maintain a Lock-up House. 46 V. c. 18, s. 458.

Land may be acquired for industrial farms, house of industry, refuge, etc.

460—(1) The Council of every County, City or Town separated from a County may acquire an estate in landed property for an Industrial Farm, and may establish a House of Industry and a House of Refuge, and provide by by-law for the erection and repair thereof, and for the appointment, payment and duties of Inspectors, Keepers, Matrons and other servants for the superintendence, care and management of such House of Industry or Refuge, and in like manner make rules and regulations (not repugnant to law) for the government of the same.

Proviso as to united or contiguous counties.

(2) Two or more United Counties, or two or more contiguous Counties, or a City and one or more Counties, or a Town and one or more Counties, may agree to have only one House of Industry or Refuge for such united or contiguous

Counties, or City and Counties, or Town and Counties, and maintain and keep up the same in the manner herein provided.

(3) The Council may provide by by-law, for requiring such persons as may be sent to such Industrial Farm or other place to work on the said Farm, or at any work or service for the said Municipality at such times, and for such hours, and at such trade or labour as they may appear to be adapted for respectively, and for buying and selling material therefor, and for applying the earnings, or parts thereof, of such persons for their maintenance or the maintenance of the wife and child or wife and children (if any) of such persons, or for the general maintenance of the farm or other place as aforesaid, or for aiding such persons to reach their friends (if any) or any place to which it may be deemed advisable to send them. 46 V. c. 18, s. 459.

Power to compel persons sent to industrial farms, etc., to work thereon.

461. The Inspector of a House of Industry or Refuge appointed as aforesaid, shall keep an account of the charges of erecting, keeping, upholding and maintaining the House of Industry or Refuge, and of all materials found and furnished therefor, together with the names of the persons received into the House, as well as those discharged therefrom, and also of the earnings; and such account shall be rendered to the County Council every year, or oftener when required by a by-law of the Council; and a copy thereof shall be presented to the Legislature. 46 V. c. 18, s. 460.

Inspectors to keep and render accounts of expenses, etc.

462. The Council of every City and Town may respectively pass by-laws:

1. For erecting and establishing within the City or Town, or on such Industrial Farm, or on any ground held by the Corporation for public exhibitions, a Workhouse or House of Correction, and for regulating the government thereof.

By-laws may be passed establishing workhouses and houses of correction.

2. For committing and sending, with or without hard labour, to the Workhouse or House of Correction, or to the Industrial Farm, House of Industry, House of Refuge, or House for the Poor, Aged, and Infirm, or Lock-up, or to any work or service for the said Municipality as aforesaid, by the Mayor, Police Magistrate, or Justice of the Peace, while having jurisdiction in the Municipality, such disorderly persons, drunkards, vagrants, indigent persons, and such description of persons as are set forth or referred to in section 369 of chapter 48 of the Acts passed in the 36th year of Her Majesty's reign, and as may by the Council be deemed, and by by-law be declared, expedient; and such Farm, House of Correction, House of Industry, House of Refuge, or House for the Poor, Aged, or Infirm, Lock-up House, or ground held as aforesaid, shall, for the purposes in this sub-section mentioned, be deemed to be within the Municipality and the jurisdiction thereof. 46 V. c. 18, s. 461.

Who liable to be committed thereto.

Until houses of correction erected, the common gaols are constituted houses of correction.

463. Until separate Houses of Correction are erected in the several Counties in Ontario, the Common Gaol in each County respectively shall be a House of Correction; and every idle and disorderly person, or rogue and vagabond, and incorrigible rogue, and any other person by law subject to be committed to a House of Correction, shall, unless otherwise provided by law, be committed to the said Common Gaols, respectively. 46 V. c. 18, s. 462.

Custody of gaols.

464.—(1) The Sheriff shall have the care of the County Gaol, gaol offices and yard, and gaoler's apartments, and the appointment of the keepers thereof, whose salaries shall be fixed by the County Council, subject to the revision or requirement of the Inspector of Prisons and Public Charities.

Keepers.

Appointment and dismissal of gaolers.

(2) Every appointment, or dismissal, of a gaoler shall be subject to the approval of the Lieutenant-Governor. 46 V. c. 18, s. 463.

Gaoler to have a yearly salary in place of all fees, perquisites or impositions whatever.

465. The salary of the gaoler shall be in lieu of all fees, perquisites or impositions of any sort or kind whatever; and no gaoler or officer belonging to the gaol shall demand or receive any fee, perquisite or other payment from any prisoner confined within the gaol or prison. 46 V. c. 18, s. 464.

County council to have care of court-house, etc.

466. The County Council shall have the care of the Court House and of all offices and rooms and grounds connected therewith, whether the same forms a separate building or is connected with the Gaol, and shall have the appointment of the keepers thereof, whose duty it shall be to attend to the proper lighting, heating and cleaning thereof; and shall from time to time provide all necessary and proper accommodation, fuel, light and furniture for the Courts of Justice other than the Division Courts, and for the library of the Law Association of the County (such last-mentioned accommodation to be provided in the Court House), and shall provide proper offices, together with fuel, light and furniture for all officers connected with such Courts other than (1) officers of the Maritime Court (not being in the County of York), and (2) official assignees. 46 V. c. 18, s. 465; 48 V. c. 39, ss. 11, 13.

City gaols to be regulated by by-laws of city councils.

467. In any City, not being a separate County for all purposes, but having a gaol or court-house separate from County Gaol or Court-House, the care of such City Gaol or Court-House shall be regulated by the by-laws of the City Council. 46 V. c. 18, s. 467.

Upon separation of union of counties, gaol and court-house regulations to continue.

468. In case of a separation of a union of Counties, all rules and regulations, and all matters and things in any statute for the regulation of, or relating to Court Houses or Gaols, in force at the time of the separation, shall extend to the Court-House and Gaol of the Junior County. 46 V. c. 18, s. 468.

469. Cities and Towns separated from Counties shall, as parts of their respective Counties for judicial purposes, bear and pay their just share or proportion of all charges and expenses from time to time as the same may be incurred in erecting, building and repairing and maintaining the Court-House and Gaol of their respective Counties, and of the proper lighting, cleansing and heating thereof, and of providing all necessary and proper accommodation, fuel, light, and furniture for the Gaol and Courts of Justice, other than the Division Courts, and for the library of the Law Association of the County, and of providing proper offices, together with fuel, light, and furniture for offices connected with such Courts, where the same are required to be provided by the County Council; and all other charges relating to Criminal Justice, payable by the County in the first instance, except Constables' fees and disbursements, and charges connected with Coroners' inquests, and such other charges as the Counties are entitled to be repaid by the Province; and in case the Council of the City or Town separate as aforesaid, and the Council of the County in which such City or Town is situate for judicial purposes cannot, by agreement from time to time, settle and determine the amount to be so payable by such City or Town respectively, then the same shall be determined by arbitration, according to the provisions of this Act. 46 V. c. 18, s. 469: 48 V. c. 39, s. 12.

Liability of cities and towns separated from counties for erection and maintenance of court-house, etc.

Reference to arbitration in cases of disagreement.

470. The Council shall not be liable to pay for any furniture which they are required to provide under the provisions of sections 471 and 474 of this Act, unless the same has been ordered by the Council or by some person duly authorized by them so to do. 46 V. c. 18, s. 470.

Liability for furniture for use of county officials.

471. The Corporation of any County and City or Town separated from the County, are hereby declared to have respectively insurable interests in the Court House and Gaol of the County and the furniture thereof in the proportion in which they shall for the time being be liable to contribute towards the erection, building, repairing, and maintaining the same, and towards providing necessary accommodation and furniture for the said Gaol and Courts of Justice, and for the officers connected with such Courts, and any such Corporation may insure its said interest accordingly. 46 V. c. 18, s. 471.

Insurable interests of corporations in certain cases.

472. In all cases in which any city is required to contribute to the cost of erecting or building a court house or gaol, not commenced before the fifth day of March, 1880, the council of such city shall not be bound to pay for any part of the expenditure thereafter incurred in respect thereof, unless the same has been concurred in by the council of such city, or in case of dispute has been determined by arbitration, according to the provisions of this Act, and the council of the city shall have a voice in the selection of the site of the court house and gaol; and in case the council of the county and city

Liability of city to contribute to cost of erecting court-houses and gaols.

shall fail to agree upon the selection of such site, the same shall be settled and determined by arbitration, according to the provisions of this Act. 46 V. c. 18, s. 472.

Compensation
by city or town
for use of
court-house,
etc.

473. While a City or Town uses the Court House, Gaol or House of Correction of the County, the City or Town shall pay to the County such compensation therefor, and for the care and maintenance of prisoners as may be mutually agreed upon, or settled by arbitration under this Act. 46 V. c. 18, s. 473.

Compensation
for mainten-
ance of
prisoners.

(2) In case of arbitration under the preceding provisions of this section, in determining the compensation to be paid for the care and maintenance of prisoners confined in the gaol, the arbitrators shall, so far as they deem the same just and reasonable, take into consideration the original cost of the site and erection of the gaol buildings, and of repairs and insurance, so far as the same may have been borne or sustained by one or other of the municipalities, and shall also take into consideration the cost of maintaining and supporting the prisoners, as well as the salaries of all officers and servants connected therewith; but the provisions of this sub-section shall apply only to the determining of the compensation to be paid for the care and maintenance of any such prisoners subsequent to the first day of January, 1886. 49 V. c. 37, s. 10.

For procedure in cases where the gaol of one county is insecure and it is desirable to use that of a neighbouring county, see Revised Statutes of Canada, 1886, Chapter 183, ss. 1-7.

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